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**SENATE BILL 5325**

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

**By** Senators Shewmake, Boehnke, Keiser, Lovelett, Randall, and C. Wilson

AN ACT Relating to enhancing access to clean fuel for agencies providing public transportation; and adding a new section to chapter 36.57A RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 36.57A RCW to read as follows:

(1) A public transportation benefit area authority has the authority:

(a) To produce and distribute green electrolytic hydrogen and renewable hydrogen and utilize the green electrolytic hydrogen or renewable hydrogen they produce for internal operations;

(b) To produce, distribute for sale, or sell, green electrolytic hydrogen and renewable hydrogen at wholesale or to an end-use customer; and

(c)(i) To sell green electrolytic hydrogen and renewable hydrogen at wholesale or to an end-use customer to or through facilities that distribute, compress, store, liquify, or dispense green electrolytic hydrogen or renewable hydrogen for end use as a transportation fuel.

(ii) For the purposes of (c)(i) of this subsection, public transportation benefit areas may either own or operate, or both, pipelines or dispensing facilities for green electrolytic hydrogen or renewable hydrogen for end use as a transportation fuel if all such pipelines and dispensing facilities are either: (A) Located in the benefit area in which the public transportation benefit area is authorized to provide public transportation service; or (B) located within the county in which the public transportation benefit area is authorized to provide public transportation service and such service is connected with or pursuant to a partnership with one or more public or private partners.

(2) Nothing in this section authorizes a public transportation benefit area to sell green electrolytic hydrogen or renewable hydrogen delivered by pipeline to an end-use customer of a gas company.

(3) Exercise of the authority granted under this section to public transportation benefit areas does not subject them to the jurisdiction of the utilities and transportation commission, except that public transportation benefit areas are subject only to administration and enforcement by the utilities and transportation commission of state and federal requirements related to pipeline safety and fees payable to the utilities and transportation commission that are applicable to such administration and enforcement.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Green electrolytic hydrogen" has the same meaning provided in RCW 54.04.190.

(b) "Renewable hydrogen" has the same meaning provided in RCW 54.04.190.

(c) "Gas company" has the same meaning provided in RCW 80.04.010.

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