

HOUSE BILL REPORT

HB 1334

As Passed House:

February 28, 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: Representatives Hutchins, Simmons, Couture and Ramel.

Brief History:

Committee Activity:

Transportation: 1/26/23, 2/2/23 [DP].

Floor Activity:

Passed House: 2/28/23, 97-0.

Brief Summary of Bill

- Authorizes a public transportation benefit area to obtain an easement for ferry terminal or docking facilities on state-owned aquatic lands or harbor areas without requiring a lease payment.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 29 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Orcutt, Ramel, Ramos, Schmidt, Taylor, Volz, Walsh and Wylie.

Staff: David Munnecke (786-7315).

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.

Background:

A public transportation benefit area (PTBA) is a type of municipal corporation created to provide regional transportation service to all or a portion of a county or multiple counties. It is authorized to construct, own, and operate a regional transportation system within its jurisdictional boundaries in accordance with specified statutory requirements. The majority of the transit agencies in Washington are PTBAs, and those with a boundary on Puget Sound may operate passenger-only ferries.

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 state-owned aquatic lands, the DNR must support a balance of use demands and the statutory goals of:

- encouraging direct public use and access;
- fostering water-dependent uses;
- ensuring environmental protection;
- providing opportunities for utilization of renewable resources; and
- generating income from use of aquatic lands, when consistent with the previous goals.

The 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 (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 state Constitution delegates to the Legislature the power to appoint the 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 Commission. In that capacity, the Board may establish or relocate harbor lines.

Summary of Bill:

A PTBA may obtain an easement for ferry terminal or docking facilities on, over, or across the beds of navigable waters under the jurisdiction of the 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 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.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill would bring parity for PTBAs that operate passenger-only ferries, with ports, such as the Port of Bremerton.

Only one PTBA currently uses ferry terminals, Kitsap Transit. This bill would keep an annual fee from being charged for these terminals.

Kitsap Transit started a fast ferry program in 2017 and has been operating it ever since. Kitsap Transit wants to be treated similarly to ports and to Washington State Ferries, when it comes to terminals.

The transfer of a dock to Kitsap Transit means it now has to pay lease fees for the facility. The facility is located next to similar facilities owned by the Port of Bremerton and Washington State Ferries, which do not have to pay lease fees to the DNR.

(Opposed) None.

Persons Testifying: Representative Spencer Hutchins, prime sponsor; John Clauson, Kitsap Transit; and Brian Considine.

Persons Signed In To Testify But Not Testifying: None.