

ESB 5894 - H COMM AMD
By Committee on Transportation

ADOPTED 04/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 81.68.015 and 2007 c 234 s 47 are each amended to
4 read as follows:

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

11 This chapter does not apply to persons operating motor vehicles
12 when operated wholly within the limits of incorporated cities or towns,
13 and for a distance not exceeding three road miles beyond the corporate
14 limits of the city or town in Washington in which the original starting
15 point of the vehicle is located, and which operation either alone or in
16 conjunction with another vehicle or vehicles is not a part of any
17 journey beyond the three-mile limit.

18 This chapter does not apply to commuter ride sharing or ride
19 sharing for persons with special transportation needs in accordance
20 with RCW 46.74.010, so long as the ride-sharing operation does not
21 compete with or infringe upon comparable service actually being
22 provided before the initiation of the ride-sharing operation by an
23 existing auto transportation company certificated under this chapter.

24 This chapter does not apply to a service carrying passengers for
25 compensation over any public highway in this state between fixed
26 termini or over a regular route if the commission finds, with or
27 without a hearing, that the service does not serve an essential
28 transportation purpose, is solely for recreation, and would not
29 adversely affect the operations of the holder of a certificate under

1 this chapter, and that exemption from this chapter is otherwise in the
2 public interest. Companies providing these services must, however,
3 obtain a permit under chapter 81.70 RCW.

4 This chapter does not apply to a service carrying passengers for
5 compensation over any public highway in this state between fixed
6 termini or over a regular route if the commission finds, with or
7 without a hearing, that the service is provided pursuant to a contract
8 with a state agency, or funded by a grant issued by the department of
9 transportation, and that exemption from this chapter is otherwise in
10 the public interest. Companies providing these services must, however,
11 obtain a permit under chapter 81.70 RCW.

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

14 (1) A commercial ferry may not operate any vessel or ferry for the
15 public use for hire between fixed termini or over a regular route upon
16 the waters within this state, including the rivers and lakes and Puget
17 Sound, without first applying for and obtaining from the commission a
18 certificate declaring that public convenience and necessity require
19 such operation. Service authorized by certificates issued (~~before or~~
20 ~~after July 25, 1993,~~) to a commercial ferry operator must be exercised
21 by the operator in a manner consistent with the conditions established
22 in the certificate (~~or~~) and tariff(~~s~~) filed under chapter 81.28
23 RCW. However, a certificate is not required for a vessel primarily
24 engaged in transporting freight other than vehicles, whose gross
25 earnings from the transportation of passengers or vehicles, or both,
26 are not more than ten percent of the total gross annual earnings of
27 such vessel.

28 (2) This section does not affect the right of any county public
29 transportation benefit area or other public agency within this state to
30 construct, condemn, purchase, operate, or maintain, itself or by
31 contract, agreement, or lease, with any person, firm, or corporation,
32 ferries or boats across the waters within this state, including rivers
33 and lakes and Puget Sound, if the operation is not over the same route
34 or between the same districts being served by a certificate holder
35 without first acquiring the rights granted to the certificate holder
36 under the certificate.

1 (~~(2)~~) (3) The holder of a certificate of public convenience and
2 necessity granted under this chapter must initiate service within five
3 years of obtaining the certificate, except that the holder of a
4 certificate of public convenience and necessity for passenger-only
5 ferry service in Puget Sound must initiate service within twenty months
6 of obtaining the certificate. The certificate holder shall report to
7 the commission every six months after the certificate is granted on the
8 progress of the certificated route. The reports shall include, but not
9 be limited to, the progress of environmental impact, parking, local
10 government land use, docking, and financing considerations. Except in
11 the case of passenger-only ferry service in Puget Sound, if service has
12 not been initiated within five years of obtaining the certificate, the
13 commission may extend the certificate on a twelve-month basis for up to
14 three years if the six-month progress reports indicate there is
15 significant advancement toward initiating service.

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

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

20 (1) "Corporation" means a corporation, company, association, or
21 joint stock association.

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

23 (3) "Private, nonprofit transportation provider" means any private,
24 nonprofit corporation providing transportation services for
25 compensation solely to persons with special transportation needs, or
26 pursuant to a contract with a state agency or funded by a grant issued
27 by the department of transportation.

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

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

34 (1) No person may engage in the business of a charter party carrier
35 or excursion service carrier of persons over any public highway without

1 first having obtained a certificate from the commission to do so or
2 having registered as an interstate carrier.

3 (2) An auto transportation company carrying passengers for
4 compensation over any public highway in this state between fixed
5 termini or over a regular route that is not required to hold an auto
6 transportation certificate because of a commission finding under RCW
7 81.68.015 must obtain a certificate under this chapter.

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

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

12 (1) "Commuter ride sharing" means a car pool or van pool
13 arrangement whereby one or more fixed groups not exceeding fifteen
14 persons each including the drivers, and (a) not fewer than five persons
15 including the drivers, or (b) not fewer than four persons including the
16 drivers where at least two of those persons are confined to wheelchairs
17 when riding, are transported in a passenger motor vehicle with a gross
18 vehicle weight not exceeding ten thousand pounds, excluding special
19 rider equipment, between their places of abode or termini near such
20 places, and their places of employment or educational or other
21 institutions, each group in a single daily round trip where the drivers
22 are also on the way to or from their places of employment or
23 educational or other institution.

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

32 (3) "Ride sharing for persons with special transportation needs"
33 means an arrangement whereby a group of persons with special
34 transportation needs, and their attendants, is transported by a public
35 social service agency or a private, nonprofit transportation provider,
36 as defined in RCW 81.66.010(3), serving persons with special needs, in
37 a passenger motor vehicle as defined by the department to include small

1 buses, cutaways, and modified vans not more than twenty-eight feet
2 long: PROVIDED, That the driver need not be a person with special
3 transportation needs.

4 (4) "Ride-sharing operator" means the person, entity, or concern,
5 not necessarily the driver, responsible for the existence and
6 continuance of commuter ride sharing, flexible commuter ride sharing,
7 or ride sharing for persons with special transportation needs. The
8 term "ride-sharing operator" includes but is not limited to an
9 employer, an employer's agent, an employer-organized association, a
10 state agency, a county, a city, a public transportation benefit area,
11 or any other political subdivision that owns or leases a ride-sharing
12 vehicle.

13 (5) "Ride-sharing promotional activities" means those activities
14 involved in forming a commuter ride-sharing arrangement or a flexible
15 commuter ride-sharing arrangement, including but not limited to
16 receiving information from existing and prospective ride-sharing
17 participants, sharing that information with other existing and
18 prospective ride-sharing participants, matching those persons with
19 other existing or prospective ride-sharing participants, and making
20 assignments of persons to ride-sharing arrangements.

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

23 NEW SECTION. **Sec. 6.** (1) Within its existing resources, the
24 utilities and transportation commission shall study the appropriateness
25 of rate and service regulation of commercial ferries operating on Lake
26 Chelan. The commission shall report its findings and recommendations
27 to the legislature by December 31, 2009.

28 (2) This section expires December 31, 2009."

29 Correct the title.

EFFECT: Removes the authority provided in the bill for the
Utilities and Transportation Commission (UTC) to exempt a commercial
ferry service from the normal requirements of certification and
regulation when the UTC determines that the ferry service does not
serve an essential transportation purpose, is solely for recreation

purposes, and would not adversely affect an existing ferry operator.

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