
SUBSTITUTE HOUSE BILL 2344

State of Washington **64th Legislature** **2016 Regular Session**

By House Transportation (originally sponsored by Representatives Morris and Lytton)

1 AN ACT Relating to county ferry districts; amending RCW
2 36.54.110, 36.54.120, and 36.54.200; and providing an effective date.

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

4 **Sec. 1.** RCW 36.54.110 and 2007 c 223 s 5 are each amended to
5 read as follows:

6 (1)(a) The legislative authority of a county may adopt an
7 ordinance creating a ferry district in all or a portion of the area
8 of the county, including the area within the corporate limits of any
9 city or town within the county. The ordinance may be adopted only
10 after a public hearing has been held on the creation of a ferry
11 district, and the county legislative authority makes a finding that
12 it is in the public interest to create the district.

13 (b) If the legislative authority of a county intends to create a
14 ferry district in only a portion of the county, the governing body
15 must either submit a proposition to create the ferry district to the
16 voters in the portion of the county where the ferry district is
17 intended to be created at the next general election, in which the
18 ferry district must be approved by a majority of the voters voting on
19 the proposition in order to be created, or publish notice of the
20 intention to create a ferry district, in one or more newspapers of
21 general circulation within the county, by February 1st of the year in

1 which the ferry district is to be created. If within ninety days of
2 the date of publication a petition is filed with the county auditor
3 containing the signatures of eight percent of the number of voters
4 registered and voting in the portion of the county where the ferry
5 district is intended to be created for the office of the governor at
6 the last preceding gubernatorial election, the county auditor must
7 canvass the signatures in the same manner as prescribed in RCW
8 29A.72.230 and certify their sufficiency to the legislative authority
9 within thirty days. The proposition to create the ferry district must
10 then be submitted to the voters in the portion of the county where
11 the ferry district is intended to be created at the next general
12 election. The ferry district may then be created only if approved by
13 a majority of the voters voting on the proposition.

14 (2) A ferry district is a municipal corporation, an independent
15 taxing "authority" within the meaning of Article VII, section 1 of
16 the state Constitution, and a "taxing district" within the meaning of
17 Article VII, section 2 of the state Constitution.

18 (3) A ferry district is a body corporate and possesses all the
19 usual powers of a corporation for public purposes as well as all
20 other powers that may now or hereafter be specifically conferred by
21 statute, including, but not limited to, the authority to hire
22 employees, staff, and services, to enter into contracts, and to sue
23 and be sued.

24 (4) The members of the county legislative authority, acting ex
25 officio and independently, shall compose the governing body of any
26 ferry district that is created within the county. The voters of a
27 ferry district must be registered voters residing within the
28 boundaries of the district.

29 (5) A county with a population greater than one million persons
30 and having a boundary on Puget Sound, or a county to the west of
31 Puget Sound with a population greater than two hundred thirty
32 thousand but less than three hundred thousand persons, proposing to
33 create a ferry district to assume a passenger-only ferry route
34 between Vashon and Seattle, including an expansion of that route to
35 include Southworth, shall first receive approval from the governor
36 after submitting a complete business plan to the governor and the
37 legislature by November 1, 2007. The business plan must, at a
38 minimum, include hours of operation, vessel needs, labor needs,
39 proposed routes, passenger terminal facilities, passenger rates,
40 anticipated federal and local funding, coordination with Washington

1 state ferry system, coordination with existing transit providers,
2 long-term operation and maintenance needs, and long-term financial
3 plan. The business plan may include provisions regarding coordination
4 with an appropriate county to participate in a joint ferry under RCW
5 36.54.030 through 36.54.070. In order to be considered for assuming
6 the route, the ferry district shall ensure that the route will be
7 operated only by the ferry district and not contracted out to a
8 private entity, all existing labor agreements will be honored, and
9 operations will begin no later than July 1, 2008. If the route is to
10 be expanded to include serving Southworth, the ferry district shall
11 enter into an interlocal agreement with the public transportation
12 benefit area serving the Southworth ferry terminal within thirty days
13 of beginning Southworth ferry service. For the purposes of this
14 subsection, Puget Sound is considered as extending north to Admiralty
15 Inlet.

16 **Sec. 2.** RCW 36.54.120 and 2003 c 83 s 302 are each amended to
17 read as follows:

18 A ferry district may construct, purchase, operate, and maintain
19 (~~(passenger-only)~~) ferries or wharves at any unfordable stream, lake,
20 estuary, or bay within or bordering the ferry district, or between
21 portions of the ferry district, or between the ferry district and
22 other ferry districts, together with all the necessary boats,
23 grounds, roads, approaches, and landings appertaining thereto under
24 the direction and control of the governing body of the ferry
25 district, free or for toll as the governing body determines by
26 resolution.

27 **Sec. 3.** RCW 36.54.200 and 2012 c 78 s 1 are each amended to read
28 as follows:

29 (1) A county or ferry district operating ferries under this
30 chapter may impose a vessel replacement surcharge on every ferry fare
31 sold. The surcharge must be at least equal to the surcharge amount
32 included in Washington state ferry fares identified in RCW
33 47.60.315(7). Revenues generated from the surcharge may be used only
34 for the construction or purchase of ferry vessels and to pay the
35 principal and interest on bonds authorized for the construction or
36 purchase of ferry vessels. The surcharge must be clearly indicated to
37 ferry passengers and drivers and, if possible, on the fare media
38 itself.

1 (2) In addition to any vessel replacement surcharge imposed under
2 subsection (1) of this section, a ferry district created in only a
3 portion of a county must impose a vessel replacement surcharge
4 consistent with the requirements in subsection (1) of this section on
5 all ferry passengers and drivers that are not residents of the ferry
6 district. The amount of this vessel replacement surcharge must be
7 sufficient to recover the portion of the ferry district's capital
8 costs that are associated with ferry district passengers and drivers
9 that are not residents of the ferry district.

10 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2016.

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