

Whatcom County Ferry Advisory Committee

Recommended Amendments to WCC Chapter 10.34

Please see explanations on the source of the recommended changes in accompanying document “WCFAC Chapter 10.34 with Commentary.” Much of what is shown as changed text is simply reorganization of the existing text or updating administrative provisions. Some items instead reflect a change in County policy.

Whatcom County Code Chapter 10.34 FERRY RATES¹

Sections:

- 10.34.005 Definitions.
- 10.34.010 Effective date for ferry user fees.
- 10.34.020 Interpretation of rate schedule.
- 10.34.030 Use of ferry user fee revenues.

10.34.005 Definitions. *(Reordered alphabetically.)*

A. “Adjusted Total Operating Expenses” (ATOE) is the amount of total operating expenses (TOE) minus adjustments listed below and then used in the calculation of the fare box recovery goal. Beginning January 1st, 2007, the ATOE amount shall be determined by subtracting the following amounts from the TOE:

- (1) Motor Vehicle Fuel Tax attributable to ferry operations;
- (2) Ferry Deficit Reimbursement funds (RCW 47.56.725 (2));
- (3) Investment income or loss;
- (4) County employee trips as defined in 10.34.010(I);
- (5) Other miscellaneous Income – such as immaterial amounts due to NSF checks;
- (6) Beginning January 1, 2024, Major or Emergency Repair expenses greater than 5% of the average of the past three years of total ferry user fees;
- (7) Beginning January 1, 2024, vessel rental fees greater than 50% of the average of the past three years total annual ferry user fees; also all capital costs associated with the vessel.

⊖B. “Capital cost” means all capital expenditures, including financing and depreciation

expenses applied to the replacement, expansion, or creation of ferry system physical elements. Consistent with the Whatcom County Charter and the Governmental Accounting Standards Board's Statement No. 87 requiring lease accounting changes for financial reporting to be retroactive, the annual Tideland's lease or its replacement is considered a capital cost.

C. "Cumulative fare box reserve" is the running total of adding the annual difference between the ferry user fees and the fare box recovery goal: when the goal is larger than the total ferry user fees collected, the difference is a deficit and is subtracted; when the total ferry user fees collected is greater than the goal, the difference is a surplus and is added.

D. "Fare box recovery goal" means the amount ferry user fees are to pay to support the ferry system and is calculated by multiplying ATOE by the fare box recovery rate.

~~D.E.~~ "Fare box recovery rate" means the percentage of ATOE to be recovered by ferry user fees and is established in WCC Chapter 10.34.030(A) the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

~~A.F.~~ "Ferry system" means all physical elements of the Lummi Island ferry operations, including both the Gooseberry Point and Lummi Island vehicle and pedestrian staging areas, vehicle parking area, and ferry docks, and any and all boats utilized for transport purposes.

~~E.G.~~ "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule, plus all other funds designated by resolution of the Whatcom County Council. Ferry user fees do not include 1) any payments earned under WCC Chapter 10.34.020(I) or 2) any surcharge collected pursuant to WCC Chapter 10.34.020(O).

H. "Major Or Emergency Repairs" (MOER) means maintenance and repair activities that are not regular and routine with total project expenses that are greater than 50 percent of the average of the past three years total maintenance and repair expenses, excluding prior MOER expenses.

FI. "Rate schedule" means the combination of ferry user fees and operational policies affecting the use of the ferry system.

BJ. "Total Operating cost expenses" means all actual daily running expenses and all actual regular and routine maintenance and administrative expenses associated with the use and operation of all physical elements of the ferry system. As of January 1, 2024, it also includes

the vessel rental rate excluding capital expenses and all major or emergency repairs (MOER), both as defined in 10.34.005(A).

(Ord. 2021-012 Exh. A; Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010- 054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A).

10.34.010 Effective date for ferry user fees.

Ferry user fees are set forth in the Whatcom County Unified Fee Schedule and become effective as set forth in the ordinance adopting or amending such schedule.

(Ord. 2021-012 Exh. A; Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010- 054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

10.34.020 Interpretation of rate schedule.

The following provisions should be observed in application of the ferry rate schedule:

- A. Buses, mobile homes, motor homes, fifth wheels in bed of pickup, and trailers including goosenecks are charged by total length. Length includes tongue, hitch, and projections to the rear.
- B. Tow vehicles with trailers shall be charged a combined rate based on total length of the trailer, as defined in subsection A of this section, and weight of the tow vehicle based on the gross vehicle weight of the designation of the vehicle. Heavy machinery that is self-propelled onto the ferry shall be charged at the corresponding vehicle weight.
- C. Special trips are a surcharge in addition to the applicable fare.
- D. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.
- E. All trucks shall be charged regular round-trip rates based on gross vehicle weight.
- F. ~~Over-width vehicles or trailers occupying more than one lane shall be charged a 50 percent surcharge. In addition, vehicles towing over-width trailers shall also be charged a 50 percent surcharge.~~ Vans outfitted for commercial use or as RVs shall be charged the ferry user fee for Vehicle with Driver 11,001- 20,000 pounds (small truck).
- G. Student multi-ride cards shall be sold to full-time post-high school students only. Proof of post-high school enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. Children ~~12 to~~ under 19 years of age will receive free passenger and pedestrian passage all year round. No special child discount is available for drivers of vehicles.

I. All trips by County employees on official county business and ferry employees and their immediate household members who are not required to pay fares shall be recorded, and an amount equal to what fare would have been charged according to the rates established in the Unified Fee Schedule shall be deposited in the Ferry Fund. ~~exempt from fares. All county employee trips exempt from fares will be tracked, and \$10.00 per trip will be credited toward the fare box recovery rate each year.~~

J. During the term of the tidelands lease agreement dated October 24, 2011, lessee (Whatcom County) shall grant free foot and noncommercial passenger vehicle passage upon and across the ferry operated by lessee between Gooseberry Point and Lummi Island to those persons going to Lummi Island for legitimate tribal business who are either enrolled members of the Lummi Nation or employees thereof, and who also present appropriate identification issued by the nation, including Lummi Indian Business Council identification cards or current fishing cards/licenses as issued by the Lummi Nation.

K. A special needs-based discount is provided for Lummi Island residents who meet the ~~very~~ Very Low income levels set annually by the Department of Housing and Urban Development (HUD). The current year's levels will be posted on the Whatcom County Public Works ferry web page. The reviewing authority will screen all applicants to determine eligibility. ~~The number of needs-based applications processed annually, regardless of approval, will depend on the constraints of the ferry operations budget for each year.~~ The special needs-based ferry fare discount shall always be higher than any other discount. These special needs-based tickets will not be sold on the ferry ~~only be sold at the Whatcom County public works administration building in Bellingham~~ and will require a valid voucher issued from the reviewing authority and valid photo ID. Eligibility will be reviewed at least annually by the reviewing authority. ~~Forms and procedures will be developed by the Whatcom County public works and the reviewing authority.~~

L. Eligibility for a special "senior/disabled" discount is available to all Lummi Island residents who currently hold property tax exemptions or deferral as defined under RCW 84.36.381 and RCW 84.38.030 and WAC 458-16-020 and 458-18-020, and as these may be hereafter amended. These special needs-based tickets will not be sold on the ferry ~~only be sold at the Whatcom County public works administration building in Bellingham~~ and will require valid photo ID.

~~M. One punch on the Multi-ride cards pays for one round trip, purchased prior to the most current fare change shall be valid until six months after the effective date of the ordinance codified in this chapter. When ferry rates change, the remaining value (original value divided by original number of trips times the remaining un-punched trips) of multi-ride cards purchased at the previous rate can be used for 12 months as a credit towards purchasing the current fare multi-ride card. Multi-ride cards purchased at the previous rate, rather either higher or lower than the new rate, will be accepted for use as one punch equals one round trip for one month after new rates take effect. No credit or refund replacement cards will be allowed or issued. These rate changes will take place within 60 calendar days of the adopted date of the ordinance codified in this chapter.~~

~~N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry.~~

~~O. A capital surcharge of \$1.00 shall be collected for all fares except for student multi-ride cards (subsection G of this section), special needs-based fares (subsection K of this section), and special senior/disabled fares (subsection L of this section). The capital surcharge shall be used exclusively for the construction of a new ferry vessel and terminal improvements.~~

~~P. Entities and individuals legally authorized to transport human remains shall be exempt from after scheduled hours fares when using the ferry to pick up and transport the body of a deceased person from Lummi Island. Ferry personnel reserve the right at the time of travel to require riders claiming this exemption to present burial-transit permits required under RCW 70.58A.210 or other legal authority authorizing transport of the deceased person.~~

(Ord. 2021-012 Exh. A; Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010-054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064; Ord. 93-080 Exh. Q).

10.34.030 Use of ferry user fee revenues. *(Reordered and divided into sections.)*

~~A. Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied to the ATOE and evaluated continuously from that time forward. The remaining ferry system expenses shall be covered through other sources of funds, which includes but is not limited to the unincorporated area Road Fund property tax.~~

~~B. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box~~

~~recovery rate is being achieved.~~

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ~~ferry system fund~~ cumulative fare box reserve and applied only to future ~~operating costs~~ fare box deficits.

C. In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase or by using the ~~unless there is adequate~~ excess ferry user fee revenue remaining in the cumulative fare box reserve ~~ferry system fund collected during prior years~~.

D. After three sequential years of the annual total of ferry user fees not reaching 55 percent or three sequential years of the annual total of ferry user fees being greater than 55 percent, a change in ferry rates and services provided shall be considered, whatever the balance in the cumulative fare box reserve.

E. Ferry rates or services shall be changed at any time the cumulative fare box reserve has a positive balance greater than the total amount of the prior annual total of ferry user fees, unless there have been three sequential years of ferry user fees not reaching the fare box recovery goal, or the cumulative fare box reserve has a negative balance greater than could be funded by one third of the total amount of the prior year ferry user fees.

F. An annual review of ferry system services, actual and projected operating costs including the costs included in the Equipment Rental & Revolving Fund vessel rental fee, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved. A six-year financial pro forma report including operations and capital will be presented to the Whatcom County Council and citizen advisory bodies during the 2nd quarter of each calendar year.

~~Beginning January 1, 2007, any interest income or income from state motor vehicle fuel tax for ferry operation will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated.~~

(Ord. 2021-012 Exh. A; Ord. 2015-034 Exh. A; Ord. 2013-042 Exh. A; Ord. 2012-016 Exh. A; Ord. 2010- 054 Exh. A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064).

¹ Prior legislation: Ord. 89-103.