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ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE CHAPTER 10.34, FERRY RATES, AND THE
WHATCOM COUNTY UNIFIED FEE SCHEDULE**

WHEREAS, Chapter 10.34 of the Whatcom County code addresses administration of the ferry rates and an interpretation of the rate schedule, included in the Whatcom County Unified Fee Schedule; and

WHEREAS, Chapter 10.34 has been updated to address some housekeeping issues such as removing the location of where Needs Based punch cards may be purchased in section L; and

WHEREAS, Chapter 10.34 has been updated to address some housekeeping issues such as removing the child traveling under the age of 12 without an escort waiver provision in section N; and

WHEREAS, Whatcom County Code 10.34.030 states, "Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. 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; and

WHEREAS, Whatcom County Code 10.34.030 also states, "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 unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years"; and

WHEREAS; An evaluation of the farebox recovery rate has been performed and a fare box fund calculator (Exhibit "C") has captured a large fare box recovery deficient; and

WHEREAS, It is necessary to amend the rates charged to the users of the ferry; and

WHEREAS, in order for the user fees to be amended as requested on Exhibit "B", it is necessary to amend Chapter 10.34 of the Whatcom County Code as shown on Exhibit "A" to this ordinance; and

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NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 10.34 is hereby amended as indicated in Exhibit "A" to this ordinance.

BE IT FURTHER ORDAINED by the Whatcom County Council that the Whatcom County Unified Fee Schedule is hereby amended as set forth in the attached Exhibit "B".

ADOPTED this ____ day of _____, 20____.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Todd Donovan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Approved via email 12/14/22
CQ/CR

Christopher Quinn, Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

Exhibit A

Amendment of 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.

- A. "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 areas, and ferry docks, and any and all boats utilized for transport purposes.
- B. "Operating cost" 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.
- C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.
- D. "Fare box recovery rate" means 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.
- E. "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.
- F. "Rate schedule" means the combination of ferry user fees and operational policies affecting the use of the ferry system. (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. 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).

Exhibit A

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.
- 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. County employees on official county business shall be 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.

Exhibit A

K. A special needs-based discount is provided for Lummi Island residents who meet the 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. These special needs-based tickets will 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 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 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 only be sold by Whatcom County public works administration and will require valid picture ID.

M. Multi-ride punch cards 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. Multi-ride cards purchased at the previous rate rather higher or lower than the new rate will be accepted for use as one punch equals one round trip. No credit or refund 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.

O. A capital surcharge of one dollar (\$1.00) shall be collected for all fares except for Student multi-ride cards (WCC 10.34.020 (G)), Special needs-based fares (WCC 10.34.020 (K)), and Special senior/disabled fares (WCC 10.34.020 (L)). The capital surcharge shall be used exclusively for the construction of a new ferry vessel and terminal improvements. (Ord. 2021-012, 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.

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. 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.

Exhibit A

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

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 unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

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. 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).

Exhibit B
2023 Unified Fee Schedule

Public Works

Ferry & Docks

UFS	Description	2022 Rate	Rate Basis	Change	2023 Rate	Rate Basis	Authorization
2793	Passenger/Pedestrian	\$8.00	1 Round Trip	Change	\$10.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2794	Passenger/Pedestrian - Multi-ride	\$113.00	25 Round Trips	Change	\$216.25	25 Round Trips WCC 10.34	Ordinance 2021-012
2795	Children under 12 W/Parent	FREE	1 Round Trip	No Change	FREE	1 Round Trip WCC 10.34	Ordinance 2021-012
2796	Passenger/Pedestrian Children under 19	FREE	1 Round Trip	Change	FREE	1 Round Trip WCC 10.34	Ordinance 2021-012
2797	Needs Based Passenger/Pedestrian Multi-ride (Senior/Disabled/Income)	\$28.00	10 Round Trips	Change	\$45.00	10 Round Trips WCC 10.34	Ordinance 2021-012
2798	Passenger/Pedestrian Post-High School Full-time Students Multi-ride	\$70.00	25 Round Trips	Change	\$112.50	25 Round Trips WCC 10.34	Ordinance 2021-012
2799	Passenger-Pedestrian Lummi Tribe W/ID	FREE	1 Round Trip	No Change	FREE	1 Round Trip WCC 10.34	Ordinance 2021-012
2800	Bicycle W/Rider	\$8.00	1 Round Trip	Change	\$10.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2802	Motorcycle W/Rider	\$9.00	1 Round Trip	Change	\$11.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2803	Motorcycle W/Rider - Multiride	\$165.00	25 Round Trips	Change	\$237.50	25 Round Trip WCC 10.34	Ordinance 2021-012
2805	Lummi Tribe W/ID Non-Commercial Passenger Vehicle W/Driver	N/A	1 Round Trip	Change	FREE	1 Round Trip WCC 10.34	Ordinance 2021-012
2806	Vehicle W/Driver < 11,000 lbs	\$14.00	1 Round Trip	Change	\$17.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2807	Vehicle W/Driver < 11,000 lbs - Multi-ride	\$112.00	10 Round Trips	Change	\$146.00	10 Round Trips WCC 10.34	Ordinance 2021-012
2808	Vehicle W/Driver < 11,000 lbs - Multi-ride	\$235.00	25 Round Trips	Change	\$365.00	25 Round Trips WCC 10.34	Ordinance 2021-012
2809	Needs Based Vehicle W/Driver < 11,000 lbs Multi-ride (Senior/Disabled/Income)	\$52.00	10 Round Trips	Change	\$80.00	10 Round Trips WCC 10.34	Ordinance 2021-012
2810	Vehicle W/Driver 11,001 - 20,000 lbs	\$33.00	1 Round Trip	Change	\$40.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2812	Vehicle W/Driver 11,001 - 20,000 lbs - Multi-Ride	\$282.00	10 Round Trips	Change	\$341.50	10 Round Trips WCC 10.34	Ordinance 2021-012
2813	Vehicle W/Driver 20,001 - 36,000 lbs	\$76.00	1 Round Trip	Change	\$93.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2814	Vehicle W/Driver 20,001 - 36,000 lbs Multi-Ride	\$648.00	10 Round Trips	Change	\$930.00	10 Round Trips WCC 10.34	Ordinance 2021-012
2815	Vehicle W/Driver 36,001 - 50,000 lbs	\$146.00	1 Round Trip	Change	\$178.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2816	Vehicle W/Driver 36,001 - 50,000 lbs Multi-Ride	\$1,243.00	10 Round Trips	Change	\$1,780.00	10 Round Trips WCC 10.34	Ordinance 2021-012
2817	Trailer under 16 Feet	\$21.00	1 Round Trip	Change	\$25.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2823	Trailer under 16 Feet - Multi-Ride	N/A	5 Round Trips	Change	\$125.00	5 Round Trips WCC 10.34	Ordinance 2021-012
2818	Trailer 16 - 30 Feet	\$39.00	1 Round Trip	Change	\$47.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2819	Trailer 16 - 30 Feet - Multi-Ride	N/A	5 Round Trips	Change	\$235.00	5 Round Trips WCC 10.34	Ordinance 2021-012
2820	Trailer over 30 Feet	\$71.00	1 Round Trip	Change	\$86.00	1 Round Trip WCC 10.34	Ordinance 2021-012
2824	Trailer over 30 Feet - Multi-Ride	N/A	5 Round Trips	Change	\$430.00	5 Round Trips WCC 10.34	Ordinance 2021-012
2822	Special Trips after regulary scheduled runs	\$601.00	Per Trip Surcharge	Change	\$733.00	Per Trip Surcharge WCC 10.34	Ordinance 2021-012

