

SPONSORED BY: Weimer
PROPOSED BY: Public Works
INTRODUCTION DATE: March 25, 2008

ORDINANCE NO. 2008-017

**AMENDING WHATCOM COUNTY CODE CHAPTER 10.34 FERRY RATES
AND CORRESPONDING WHATCOM COUNTY 2008 UNIFIED FEE SCHEDULE**

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

WHEREAS, ferry rates are set forth in the Unified Fee Schedule; and

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

WHEREAS, the current ferry rate schedule has successfully provided the incentive to significantly increase the number of ferry users purchasing the more labor efficient multiride tickets; and

WHEREAS, the Whatcom County Council desires to decrease ferry congestion during the peak summer months, and

WHEREAS, the Whatcom County Council supports keeping ferry rates affordable for the permanent residents of Lummi Island by providing surcharges during the peak summer months when casual and seasonal ferry use increases, and

WHEREAS, the Whatcom County Council believes it is necessary to clarify which ferry operating revenue components are used to determine the fare box recovery rate, 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;

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

BE IT FURTHER ORDAINED that the Unified Fee Schedule be amended as set for in the attached Exhibit B to this ordinance, and

BE IT FURTHER ORDAINED that the amended fares set forth in Exhibit B shall be effective June 1, 2008

ADOPTED this 8 day of April, 2008



Dana Brown-Davis, County Clerk

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Loren [Signature]
Civil Deputy Prosecutor

() Approved () Denied

Laurie Casky-Schubert
Pete Kremen, County Executive

Date: 4/9/08

EXHIBIT A

Chapter 10.34 FERRY RATES

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. 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. 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. Trailers shall include, but not be limited to, ball hitches, military hitches, fifth wheel in bed of pickup, dump trailers, recreation trailers and mobile homes.

B. Special trips are a surcharge in addition to the applicable fare.

C. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.

D. Trucks and tow vehicles with trailers shall be charged a rate based on length and weight. Heavy machinery and motor homes shall be charged at the corresponding vehicle rate.

E. All trucks shall be charged regular round-trip rates based on legal license capacity.

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 multiride cards shall be sold to full-time students only. Proof of age and enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. A special rate may be applied to children under 12 and children 12 to 18 years of age. 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. Enrolled members of the Lummi Indian Tribe who are issued appropriate identification cards by the tribe, or current fishing cards, licenses, or Lummi Indian Business Council ID cards and who have legitimate tribal business upon Lummi Island, as indicated by the Lummi Indian Tribe, shall have free foot passage upon and across the ferry operated by Whatcom County between Gooseberry Point and Lummi Island.

K. A special needs based discount is provided for Lummi Island residents who meet the income levels listed below. These special tickets will only be sold at the Whatcom County treasurer's office in Bellingham and will require proof of income and family size. Eligibility will be reviewed at least annually. Forms and procedures will be developed by the Whatcom County treasurer's office.

1. Family of four or more with less than \$40,000 total annual income;
2. Family of three with less than \$30,000 total annual income;
3. Family of 2 with less than \$20,000 total annual income;
4. Individual with less than \$10,000 total annual income.

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. Eligibility for a special "senior/disabled" discount is also available to all Lummi Island residents that also qualify for medical assistance within the Medicaid Program.

M. Multiride cards at previous rates shall not be valid after the date that rates change. Credit for any unused portion of multiride cards will be given toward the purchase of a new card for 90 days from the date of rate change and will be available through the Public Works Administration offices (not on board the Whatcom Chief)

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 surcharge on single round trip cash vehicle and pedestrian/passenger fares will be charged during the months of June, July, and August. (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.

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 the 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. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord. 2001-064).

Exhibit B – PROPOSED 2008 Unified Fee Schedule Amendment Department Fees and Charges

Public Works - Ferry & Docks

UFS#	Description	2007 Rate	2008 Rate	Rate Basis	Authorization	Authority
<u>Pedestrians</u>						
1. 5043	Passenger/Pedestrian	\$2.00	\$3.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
2. 5043s	Passenger/Pedestrian – (June-August)	\$4.00	\$4.00	1 Round Trips	WCC 10.34	Ordinance 2007-001
3. 5045	Passenger/Pedestrian - Multiride	\$25.00	\$40.00	25 Round Trips	WCC 10.34	Ordinance 2007-001
4. 5046	Children under 12 W/ Parent	\$0.00	\$0.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
5. 5047	Resident School children 12-18 yrs – Sept 1 thru June 30	\$0.00	\$0.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
6. 5049	Needs Based Passenger/Pedestrian (Senior/Disabled/Income)	\$15.00	\$17.00	25 Round Trips	WCC 10.34	Ordinance 2007-001
7. 5050	Post-High School Full-time Students	\$20.00	\$23.00	25 Round Trips	WCC 10.34	Ordinance 2007-001
8. 5051	Lummi Tribe W/I.D.	\$0.00	\$0.00	Foot Passage Only	WCC 10.34	Ordinance 2007-001
<u>Passenger Vehicles</u>						
9. 5052	Bicycle W/Driver	\$2.00	\$3.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
10. 5053	Motorcycle W/Driver	\$3.00	\$4.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
11. 5054	Vehicle W/Driver < 8,001 lbs.	\$7.00	\$8.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
12. 5054s	Vehicle W/Driver <8001 lbs (June-August)	\$10.00	\$10.00	1 Round Trip	WCC 10.34	Ordinance 2007-001
13. 5055	Vehicle W/Driver <8,001 lbs. – Multiride	\$60.00	\$72.00	10 Round Trips	WCC 10.34	Ordinance 2007-001
14. 5056	Vehicle W/Driver <8,001 lbs. – Multiride	\$119.00	\$160.00	25 Round Trips	WCC 10.34	Ordinance 2007-001

Exhibit B – PROPOSED 2008

Unified Fee Schedule Amendment

Department Fees and Charges

Public Works - Ferry & Docks

UFS#	Description	2007 Rate	2008 Rate	Rate Basis	Authorization	Authority
15. 5057	Needs Based Vehicle W/Driver Senior/Disabled/Income	\$30.00	\$36.00	10 Round Trips	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
<u>Larger Vehicles</u>						
16. 5058	Vehicle W/Driver 8,001- 20,000 lbs.	\$20.00	\$23.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
17. 5058s	Vehicle W/Driver 8,001- 20,000 lbs. (June-August)	\$20.00	\$29.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
18. 5059	Vehicle W/Driver 8,001 - 20,000 lbs.	\$100.00	\$207.00	10 Round Trips	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
19. 5060	Vehicle W/Driver 20,001- 36,000 lbs.	\$45.00	\$52.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
20. 5060s	Vehicle W/Driver 20,001- 36,000 lbs. (June-August)	\$45.00	\$65.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
21. 5061	Vehicle W/Driver 20,001 - 36,000 lbs.	\$225.00	\$494.00	10 Round Trips	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
22. 5062	Vehicle W/Driver 36,001- 50,000 lbs.	\$90.00	\$104.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
23. 5062s	Vehicle W/Driver 36,001- 50,000 lbs. (June-August)	\$90.00	\$130.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
24. 5063	Vehicle W/Driver 36,001- 50,000 lbs.	\$450.00	\$1040.00	10 Round Trips	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
25. 5064	Trailer under 16 feet	\$12.00	\$15.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
26. 5065	Trailer 16 – 30 feet	\$25.00	\$31.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
27. 5066	Trailer over 30 feet	\$48.00	\$60.00	1 Round Trip	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
28. 5067	Over width Vehicle/Trailers > 1 Lane	50% Surcharge	50% Surcharge	Per Trip Surcharge	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>
<u>Special Trips</u>						
29. 5068	Special Trips after regularly scheduled runs	\$500.00	\$575.00	Per trip surcharge	WCC 10.34	Ordinance 2007-001 <input type="checkbox"/>