

RESOLUTION AGREEING TO THE SUBMISSION OF A WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION PASSENGER-ONLY FERRY
SERVICE APPLICATION BY A PRIVATE OPERATOR FOR THE KINGSTON ROUTE

RESOLUTION 04-22

WHEREAS, the Kitsap Transit Board of Commissioners previously adopted Resolution 04-15 approving Kitsap Transit's Passenger-Only Ferry Plan B ("Plan B"), and;

WHEREAS, three private passenger-only ferry operators (the "Interested Operators") have expressed interest in initiating cross-sound passenger-only ferry service ("POF Service"), and;

WHEREAS, AQUA EXPRESS, LLC has expressed interest in establishing POF Service over the following route pursuant to Plan B: **between Kingston and Seattle**, and;

WHEREAS, the first step in the development and initiation of privately operated POF Service pursuant to Plan B is the procurement, by individual operators, of certificates of public convenience and necessity ("Certificates") from the Washington State Utilities and Transportation Commission (the "UTC"), and;

WHEREAS, RCW 81.84.020(5) precludes the UTC from considering a Certificate application prior to March 1, 2005 for POF Service serving Kitsap County unless, by resolution, Kitsap Transit "agrees to the application", and;

WHEREAS, Kitsap Transit's agreement to the application pursuant to RCW 81.84.020(5) (the "Application Agreement") is different than the agreement referred to in RCW 36.57A.100, and;

WHEREAS, RCW 36.57A.100 prohibits any person or private corporation from initiating POF Service serving Kitsap County in the absence of an agreement with Kitsap Transit as provided for in that section (hereafter referred to as a "POF Service Agreement"), and;

WHEREAS, pursuant to Plan B, Kitsap Transit has concluded the preparation of a POF Service Agreement that AQUA EXPRESS, LLC has agreed to execute should it procure a Certificate for POF Service;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Kitsap Transit as follows: Kitsap Transit agrees pursuant to RCW 81.84.020(5) to the application of AQUA EXPRESS, LLC to the UTC for the certificate authority listed above.

ADOPTED by the Board of Commissioners of Kitsap Transit at a regular meeting thereof, held on the 6th day of April, 2004.



Patty Lent, Chair

ATTEST:



Cathie Knox-Browning
Clerk of the Board

