
SENATE BILL 5325

State of Washington

68th Legislature

2023 Regular Session

By Senators Shewmake and Boehnke

1 AN ACT Relating to enhancing access to clean fuel for agencies
2 providing public transportation; and adding a new section to chapter
3 36.57A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.57A
6 RCW to read as follows:

7 (1) A public transportation benefit area authority has the
8 authority:

9 (a) To produce and distribute green electrolytic hydrogen and
10 renewable hydrogen and utilize the green electrolytic hydrogen or
11 renewable hydrogen they produce for internal operations;

12 (b) To produce, distribute for sale, or sell, green electrolytic
13 hydrogen and renewable hydrogen at wholesale or to an end-use
14 customer; and

15 (c) (i) To sell green electrolytic hydrogen and renewable hydrogen
16 at wholesale or to an end-use customer to or through facilities that
17 distribute, compress, store, liquify, or dispense green electrolytic
18 hydrogen or renewable hydrogen for end use as a transportation fuel.

19 (ii) For the purposes of (c)(i) of this subsection, public
20 transportation benefit areas may either own or operate, or both,
21 pipelines or dispensing facilities for green electrolytic hydrogen or

1 renewable hydrogen for end use as a transportation fuel if all such
2 pipelines and dispensing facilities are either: (A) Located in the
3 benefit area in which the public transportation benefit area is
4 authorized to provide public transportation service; or (B) located
5 within the county in which the public transportation benefit area is
6 authorized to provide public transportation service and such service
7 is connected with or pursuant to a partnership with one or more
8 public or private partners.

9 (2) Nothing in this section authorizes a public transportation
10 benefit area to sell green electrolytic hydrogen or renewable
11 hydrogen delivered by pipeline to an end-use customer of a gas
12 company.

13 (3) Exercise of the authority granted under this section to
14 public transportation benefit areas does not subject them to the
15 jurisdiction of the utilities and transportation commission, except
16 that public transportation benefit areas are subject only to
17 administration and enforcement by the utilities and transportation
18 commission of state and federal requirements related to pipeline
19 safety and fees payable to the utilities and transportation
20 commission that are applicable to such administration and
21 enforcement.

22 (4) The definitions in this subsection apply throughout this
23 section unless the context clearly requires otherwise.

24 (a) "Green electrolytic hydrogen" has the same meaning provided
25 in RCW 54.04.190.

26 (b) "Renewable hydrogen" has the same meaning provided in RCW
27 54.04.190.

28 (c) "Gas company" has the same meaning provided in RCW 80.04.010.

--- END ---