

# HOUSE BILL REPORT

## HB 1992

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*As Passed Legislature*

**Title:** An act relating to advance right of way acquisition.

**Brief Description:** Implementing advance right of way acquisitions.

**Sponsor(s):** Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell; by request of Department of Transportation.

**Brief History:**

Reported by House Committee on:  
Transportation, March 5, 1991, DP;  
Passed House, March 19, 1991, 97-1;  
Amended by Senate;  
House concurred;  
Passed Legislature, 93-0.

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**HOUSE COMMITTEE ON  
TRANSPORTATION**

**Majority Report:** *Do pass.* Signed by 18 members:  
Representatives R. Fisher, Chair; R. Meyers, Vice Chair;  
Betrozoff, Ranking Minority Member; Chandler, Assistant  
Ranking Minority Member; Basich; Brough; Cantwell;  
G. Fisher; Forner; Haugen; Horn; R. Johnson; Kremen;  
Mitchell; Nelson; Prentice; Wood; and Zellinsky.

**Minority Report:** *Without recommendation.* Signed by 1  
member: Representative P. Johnson.

**Staff:** Louise Bray Sandison (786-7322).

**Background:** Under current law the Department of Transportation (DOT) is authorized to acquire rights of way between two and seven years in advance of programmed construction projects. If federal money is available under Section 108, Title 23, United States Code, it is deposited into the Advance Right of Way Revolving Fund, and the department is authorized to expend it without appropriation to acquire future rights of way. When the DOT uses the right of way, it is required to reimburse the fund. The DOT is authorized to expend monies in the fund without appropriation.

The cost of acquiring rights of way is rising, and the DOT would be able to reduce these acquisition costs if it had a reliable source of funds with which to acquire rights of way in advance of construction.

**Summary of Bill:** The Department of Transportation (DOT) is authorized to acquire highway rights of way not more than 10 years in advance of programmed acquisition projects. Property or property rights purchased must be in designated highway transportation corridors and be approved by the Transportation Commission as part of the state's six-year plan or included in the state's route development planning effort.

Initially, a deposit of \$10 million from the Motor Vehicle Fund is made into the Advance Right of Way Revolving Fund. In addition, all monies received by the DOT as rental income from real properties that are not subject to federal aid reimbursement, excluding moneys received from rental of capital facilities, are also deposited into the Revolving Fund.

The DOT is required to manage the properties in accordance with sound business practices. When the property is used for a highway project, the DOT shall reimburse the Revolving Fund at the current appraised value of the property. If the DOT determines that a piece of property is not required for right of way, it may sell the property at fair market value. Any monies acquired from such a sale shall be deposited into the Revolving Fund.

The DOT is required to report to the Legislature and the Office of Financial Management (OFM) biennially regarding which properties were purchased and why, expenditures from the fund, and estimated savings to the State by virtue of the advance acquisition of rights of way.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Allowing the Department of Transportation to acquire right of way well in advance of planned construction will reduce the cost of acquiring necessary transportation corridors.

**Testimony Against:** None.

**Witnesses:** Joe Pestinger, Department of Transportation.