

FINAL BILL REPORT

HB 1992

C 291 L 91
Synopsis As Enacted

Brief Description: Implementing advance right of way acquisitions.

By Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell; by request of Department of Transportation.

House Committee on Transportation
Senate Committee on Transportation

Background: 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 which can be spent by the department to acquire future rights of way. When the DOT uses the rights 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: The Department of Transportation (DOT) is authorized to acquire highway rights of way not more than 10 years in advance of programed 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 Advance Right of Way Revolving Fund.

The DOT is required to manage the properties acquired on rights of way in accordance with sound business practices.

When the property is used for a highway project, the DOT shall reimburse the Advance Right of Way 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 as rights of way and why, expenditures from the Advance Right of Way Revolving Fund, and estimated savings to the State by virtue of the advance acquisition of rights of way.

Votes on Final Passage:

House	97	1	
Senate	44	2	(Senate amended)
House	93	0	(House concurred)

Effective: July 28, 1991