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SENATE BILL 5909

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Thibaudeau, Fairley and Heavey

Read first time 02/19/97. Referred to Committee on Transportation.

1            AN ACT Relating to lease of unused highway land or air space;  
2 amending RCW 47.12.120; and adding a new section to chapter 47.12 RCW.

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

4            **Sec. 1.** RCW 47.12.120 and 1977 ex.s. c 151 s 50 are each amended  
5 to read as follows:

6            (1) The department is authorized, subject to the provisions and  
7 requirements of zoning ordinances of political subdivisions of  
8 government, to rent or lease any lands, improvements, or air space  
9 above or below any lands, including those used or to be used for both  
10 limited access and conventional highways which are held for highway  
11 purposes but are not presently needed, upon such terms and conditions  
12 as the department may determine.

13            (2) Leases provided in subsection (1) of this section, except  
14 residential leases, leases for less than one year, and leases for  
15 farming or for parks or natural areas, are subject to the requirements  
16 of section 2 of this act.

17            NEW SECTION. **Sec. 2.** A new section is added to chapter 47.12 RCW  
18 to read as follows:

1 (1) Not more than thirty days after an application for a lease is  
2 received, the department shall post at the site a notice of receipt of  
3 application, and invite comment on the proposed use. The department  
4 shall also provide notice in a newspaper of general circulation in the  
5 area. In addition, the department shall provide written notice to the  
6 general purpose governments whose boundaries include the parcel  
7 proposed for lease and other agencies as deemed appropriate by the  
8 department. The department shall allow a thirty-day period to receive  
9 comments, and may not take action on the application until that comment  
10 period has elapsed.

11 (2) When comments warrant, the department shall convene a public  
12 meeting in the neighborhood of the parcel in question. Where  
13 practicable, the department is encouraged to coordinate its public  
14 notices and meetings with those of other public agencies.

15 (3) Once an application is tentatively approved, the department  
16 shall give notice of its availability and promptly provide it upon  
17 request to all those who commented during the earlier comment period or  
18 who participated in any public meeting. The agreement may not be  
19 finalized until ten days after this notice of availability has been  
20 issued.

21 (4) The requirements in subsections (1) through (3) of this section  
22 may be suspended upon a declaration by the department that an emergency  
23 exists.

24 (5) The department may hold public meetings in the locale of areas  
25 in which it is considering leasing activity. The requirements of  
26 subsections (1) and (2) of this section are suspended if, in the year  
27 previous to receiving a leasing application, the department has  
28 conducted such a public meeting at which there was discussion of the  
29 leasing purpose for the site later proposed in the application.

30 (6) A lease for a period of more than one year may be approved only  
31 after a determination by the department that the lease is consistent  
32 with the public interest.

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