

SENATE BILL REPORT

SB 5750

As Reported By Senate Committee On:
Transportation, March 8, 2001

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

Brief Description: Funding advance right-of-way acquisitions.

Sponsors: Senators Horn, Oke, Winsley, Haugen and Kastama; by request of The Blue Ribbon Commission on Transportation.

Brief History:

Committee Activity: Transportation: 2/13/01, 3/8/01 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Staff: Jennifer Ziegler (786-7316)

Background: The Legislature and the Governor formed the Blue Ribbon Commission on Transportation in 1998 to assess the local, regional and state transportation system; ensure that current and future money is spent wisely; make the system more accountable and predictable; and prepare a 20-year plan for funding and investing in the transportation system. The commission consisted of 46 members representing business, labor, agriculture, tribes, government, ports, shipping, trucking, transit, rail, environmental interests and the general public.

The commission made 18 recommendations to the Governor and the Legislature. Recommendation Seven directed the Washington State Department of Transportation (WSDOT) to achieve construction and project delivery efficiencies. The commission concluded that one method for achieving those efficiencies is the use of right-of-way "banking." Right-of-way "banking" involves allowing the early purchase of rights-of-way, prior to completion of all environmental and other permitting, so that the land is purchased before it becomes unaffordable.

Summary of Substitute Bill: The city and county advance right-of-way revolving fund is created. The Transportation Improvement Board (TIB) is the administrator of the fund and may deposit directly and spend from the fund without appropriation. The TIB must distribute the funds to cities and counties for advance right-of-way acquisition funding.

Cities and counties receiving advance right-of-way funds must manage the properties purchased with the funds and must provide annual status reports to the TIB. When the city or county proceeds with construction, the city or county must reimburse the revolving fund from other funds available to the city or county. Reimbursement must reflect the original cost of the property and an interest rate. If the city or county determines that any properties will not be required for a construction project, the city or county must sell the property at fair market value and must deposit the proceeds in the revolving fund.

The WSDOT is encouraged to develop a joint trenching policy with other jurisdictions. Utilities are liable to the state for expenses incurred in inspecting and constructing the pavement restoration process following the cut. Franchisees must return trenched roads to conditions that meet or exceed the WSDOT's standards.

Substitute Bill Compared to Original Bill: Provisions regarding highway trenching are included.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Purchasing rights-of-way in advance saves money and the highway trenching standard is a concern to local governments. The WSDOT program for advance right-of-way acquisition has been successful for several years.

Testimony Against: None.

Testified: Doug Hurley, BRCT; Rich Struna, TIB; Jackie White, WAC; Ashley Probart, AWC; Duke Schaub, AGC; Paula Hammond, WSDOT.