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**SUBSTITUTE HOUSE BILL 1678**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Fisher, Mitchell and Poulsen; by request of The Blue Ribbon Commission on Transportation)

Read first time . Referred to Committee on .

1 AN ACT Relating to advance right-of-way acquisition; and adding new  
2 sections to chapter 47.26 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.26 RCW  
5 to read as follows:

6 The term "advance right-of-way acquisition" as used in this chapter  
7 means the acquisition of property and property rights, generally not  
8 more than ten years in advance of programmed roadway construction  
9 projects, together with the engineering costs necessary for the advance  
10 right-of-way acquisition. Property or property rights purchased must  
11 be for projects approved by the transportation improvement board or the  
12 county road administration board as part of a city or county six-year  
13 plan or program.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.26 RCW  
15 to read as follows:

16 The city and county advance right-of-way revolving fund is created  
17 in the custody of the treasurer. The transportation improvement board  
18 is the administrator of the fund and may deposit directly and spend

1 without appropriation an initial deposit of five million dollars from  
2 the motor vehicle fund included in the transportation improvement  
3 board's 2001-2003 budget.

4 The board shall distribute the funds to cities and counties  
5 approved for advance right-of-way acquisition funding. The board shall  
6 adopt reasonable rules and develop policies to implement this program.  
7 Cities and counties applying for this funding must, at a minimum,  
8 submit the following documentation for the related arterial  
9 construction project: A list of the permits to be acquired; the  
10 agencies requiring the permits; and the estimated time frame for  
11 acquiring the permits. Funding distributions are subject to RCW  
12 47.26.270.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.26 RCW  
14 to read as follows:

15 (1) After any properties or property rights are acquired through  
16 funds from the city and county advance right-of-way revolving fund, the  
17 acquiring city or county is responsible for the management of the  
18 properties in accordance with sound business practices and shall  
19 provide annual status reports to the board. Funds received by the city  
20 or county from the interim management of the properties must be  
21 deposited into the city and county advance right-of-way revolving fund.

22 (2) When the city or county proceeds with the construction of an  
23 arterial project that will require the use of any of the property so  
24 acquired, the city or county shall reimburse the city and county  
25 advance right-of-way revolving fund. Reimbursement must reflect the  
26 original cost of the acquired property or property rights required for  
27 the project plus an interest rate equal to the current state bond  
28 interest rate. The current state bond interest rate must be reviewed  
29 by the board on a quarterly basis and be adjusted as needed to reflect  
30 the current rate at the time of the quarterly review. The board shall  
31 report annually to the transportation committees of the legislature on  
32 the interest rate set.

33 (3) When the city or county determines that any properties or  
34 property rights acquired through funds from the city and county advance  
35 right-of-way revolving fund will not be required for an arterial  
36 construction project or the property has been held by the city or  
37 county for more than ten years, the city or county shall either sell  
38 the property at fair market value or reimburse the revolving fund at

1 fair market value. All proceeds of the sale must be deposited in the  
2 city and county advance right-of-way revolving fund.  
3 (4) Deposits in the fund may be reexpended without further or  
4 additional appropriations.

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