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HOUSE BILL 1678

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Fisher, Mitchell and Poulsen; by request of The Blue Ribbon Commission on Transportation

Read first time 01/31/2001. Referred to Committee on Transportation.

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 in designated arterial transportation corridors as established in  
12 RCW 47.26.090 and be for projects approved by the transportation  
13 improvement board or the county road administration board as part of a  
14 city or county six-year plan or program.

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

17 The city and county advance right-of-way revolving fund is created  
18 in the custody of the treasurer. The transportation improvement board

1 is the administrator of the fund and may deposit directly and spend  
2 without appropriation:

3 (1) An initial deposit of five million dollars from the motor  
4 vehicle fund included in the transportation improvement board's 2001-  
5 2003 budget;

6 (2) Any federal moneys available for acquisition of right-of-way  
7 for future construction.

8 The board shall distribute the funds to cities and counties  
9 approved for advance right-of-way acquisition funding. The board shall  
10 adopt reasonable rules and develop policies to implement this program.  
11 Funding distributions are subject to RCW 47.26.270.

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

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

21 (2) When the city or county proceeds with the construction of an  
22 arterial project that will require the use of any of the property so  
23 acquired, the city or county shall reimburse the city and county  
24 advance right-of-way revolving fund from other funds available to the  
25 city or county. Project matching funds required by the board cannot be  
26 credited against this reimbursement amount nor may any other funding  
27 awarded by the board apply to this reimbursement. Reimbursement must  
28 reflect the current appraised value of the property or property rights  
29 required for the project together with damages caused to the remainder  
30 by the acquisition after offsetting against all such compensation and  
31 damages the special benefits, if any, accruing to the remainder by  
32 reason of the arterial being constructed.

33 (3) When the city or county determines that any properties or  
34 property rights acquired from funds in the city and county advance  
35 right-of-way revolving fund will not be required for an arterial  
36 construction project, the city or county may sell the property at fair  
37 market value. All proceeds of the sale must be deposited in the city  
38 and county advance right-of-way revolving fund.

1       (4) Deposits in the fund may be reexpended without further or  
2 additional appropriations.

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