

# SENATE BILL REPORT

## SB 6455

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As of January 28, 2010

**Title:** An act relating to liability for damage to property owned by the department of transportation.

**Brief Description:** Concerning liability for damage to property owned by the department of transportation.

**Sponsors:** Senators Haugen and Swecker.

**Brief History:**

**Committee Activity:** Transportation: 1/27/10.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Hayley Gamble (786-7452)

**Background:** The Department of Transportation (DOT) is responsible for maintaining more than 7,000 miles of highway and over 3,400 bridges and ramps. When portions of the highway system are damaged by drivers operating in a negligent or illegal fashion, DOT is authorized to seek reimbursement through civil action against the person operating the vehicle. Damage to the highway system may also occur through the action or inaction of entities with a responsibility to maintain land in the vicinity of a state highway.

**Summary of Bill:** Beginning July 1, 2009, the Washington State Department of Fish and Wildlife (WSDFW) is liable for damage to the state highway system, caused by action or the inaction of WSDFW. DOT may seek reimbursement through a civil action against WSDFW. This bill may not be construed to conflict with current law requiring agencies to make every effort to resolve disputes before resorting to litigation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff Summary of Public Testimony:** OTHER: WSDFW owns 9,000 acres and other assets, many of which have a nexus with DOT. The language in this bill is very broad and targets only WSDFW. This bill could have a very large fiscal impact.

**Persons Testifying:** OTHER: Dave Britell, WSDFW.