
SENATE BILL 5853

State of Washington 67th Legislature 2022 Regular Session

By Senators Billig, Liias, Kuderer, Lovick, Saldaña, and C. Wilson

Read first time 01/13/22. Referred to Committee on Transportation.

1 AN ACT Relating to establishing a limited project regarding
2 leasing certain department of transportation property in order to
3 remedy past impacts to historically marginalized populations;
4 amending RCW 47.12.120 and 47.12.125; and adding a new section to
5 chapter 47.12 RCW.

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

7 **Sec. 1.** RCW 47.12.120 and 2003 c 198 s 2 are each amended to
8 read as follows:

9 The department may rent or lease any lands, improvements, or air
10 space above or below any lands that are held for highway purposes but
11 are not presently needed. The rental or lease:

12 (1) Must be upon such terms and conditions as the department may
13 determine;

14 (2) Is subject to the provisions and requirements of zoning
15 ordinances of political subdivisions of government;

16 (3) Includes lands used or to be used for both limited access and
17 conventional highways that otherwise meet the requirements of this
18 section; ~~((and))~~

19 (4) In the case of bus shelters provided by a local transit
20 authority that include commercial advertising, may charge the transit
21 authority only for commercial space; and

1 (5) In the case of the project for community purposes established
2 in section 2 of this act, must be consistent with the provisions of
3 that section.

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

6 (1) In order to remedy past impacts to historically marginalized
7 populations within impacted local communities resulting from the
8 construction of Interstate 90 and the US 395 North Spokane Corridor
9 project, the department may establish a limited project for community
10 purposes under the provisions of this section. It is the intent of
11 the legislature that the department establish the project to allow
12 the affected property to be used for community purposes made
13 unavailable due to the placement of the highway, and therefore the
14 department is strongly encouraged to establish the project.

15 (2)(a) Pursuant to RCW 47.12.120, the department may lease the
16 property described in (b) of this subsection to the city of Spokane
17 or to a community-based nonprofit corporation to be used for the
18 following community purposes made unavailable due to the placement of
19 the highway projects described in subsection (1) of this section:

- 20 (i) Housing and ancillary improvements;
- 21 (ii) Parks;
- 22 (iii) Community revitalization projects;
- 23 (iv) Enhanced public spaces, such as trails and public plazas;

24 and

25 (v) Projects that provide enhanced economic development in the
26 impacted community.

27 (b) The property eligible for lease under this section includes
28 property that was purchased as part of the Interstate 90 corridor
29 project and the US 395 North Spokane Corridor.

30 (c) A lease for the purposes described in (a)(i) and (ii) of this
31 subsection may be for less than economic rent. However, the lease
32 agreement must then require the lessee to maintain the premises as
33 part of the consideration to the department.

34 (3) Any sublease resulting from this section is not intended to
35 generate exorbitant profits.

36 (4) As used in this section, "economic rent" is defined as fair
37 market rent, as established by an appraisal or other accepted
38 valuation method.

1 **Sec. 3.** RCW 47.12.125 and 1999 c 94 s 15 are each amended to
2 read as follows:

3 All moneys paid to the state of Washington under any of the
4 provisions of RCW 47.12.120 shall be deposited in the department's
5 advance right-of-way revolving fund, except moneys that are subject
6 to federal aid reimbursement and moneys received from rental of
7 capital facilities properties, which shall be deposited in the motor
8 vehicle fund. However, moneys paid under RCW 47.12.120(5) shall be
9 deposited into the motor vehicle fund to be used solely within the
10 corridors described in section 2(2)(b) of this act.

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