CERTIFICATION OF ENROLLMENT

HOUSE BILL 1992

Chapter 291, Laws of 1991

52nd Legislature
1991 Regular Session

ADVANCE RIGHT-OF-WAY ACQUISITION

EFFECTIVE DATE: 7/28/91

Passed by the House March 19, 1991
Yea 97  Nays 1

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 11, 1991
Yea 44  Nays 2

JOEL PRITCHARD
President of the Senate

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 1992 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

Approved May 20, 1991

FILED

May 20, 1991 - 11:07 a.m.

BOOTH GARDNER
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to advance right of way acquisition; amending RCW 47.12.242, 47.12.244, 47.12.125, and 47.12.246; and adding a new section to chapter 47.12 RCW.

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

Sec. 1. RCW 47.12.242 and 1969 ex.s. c 197 s 6 are each amended to read as follows:

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not more than ten years in advance of programmed highway construction projects together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved by the commission as part of the state’s six-year plan or included in the state’s route development planning effort.
Sec. 2. RCW 47.12.244 and 1984 c 7 s 125 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation’s 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

Sec. 3. RCW 47.12.125 and 1961 c 13 s 47.12.125 are each amended to read as follows:

All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the department’s advance right of way revolving fund, except moneys that are subject to federal aid reimbursement, which shall be deposited in the motor vehicle fund, and except that moneys received from rental of capital facilities properties shall be deposited in the transportation capital facilities account as defined in chapter 47.13 RCW.

Sec. 4. RCW 47.12.246 and 1984 c 7 s 126 are each amended to read as follows:

(Whenever) (1) After any properties or property rights are acquired from funds in the advance right of way revolving fund, the
department shall manage the properties in accordance with sound business practices. Funds received from interim management of the properties shall be deposited in the advance right of way revolving fund.

(2) When the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the department shall reimburse the advance right of way revolving fund, from other funds available to it, the ((amount of the prior expenditures for advance right of way acquisition for)) current appraised value of the property or property rights required for the project together with damages caused to the remainder by the acquisition after offsetting against all such compensation and damages the special benefits, if any, accruing to the remainder by reason of the state highway being constructed. ((Such))

(3) When the department determines that any properties or property rights acquired from funds in the advance right of way revolving fund will not be required for a highway construction project the department may sell the property at fair market value in accordance with requirements of RCW 47.12.063. All proceeds of such sales shall be deposited in the advance right of way revolving fund.

(4) Deposits in the fund may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248 without further or additional appropriations.

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

At the end of each biennium the department shall report to the legislature and the office of financial management:

(1) Which properties were purchased and why;

(2) Expenditures for the acquired parcels; and
(3) Estimated savings to the state.

Passed the Senate April 11, 1991.
Approved by the Governor May 20, 1991.
Filed in Office of Secretary of State May 20, 1991.