

# HOUSE BILL REPORT

## HB 2031

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**As Reported By House Committee On:**  
Transportation

**Title:** An act relating to storm water facility charges for highway rights of way.

**Brief Description:** Eliminating the authority to impose storm water facility charges for highway rights of way.

**Sponsors:** Representative K. Schmidt.

**Brief History:**

**Committee Activity:**

Transportation: 1/22/96, 1/30/96 [DP2S].

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 23 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; McMahan; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott; Sterk and Tokuda.

**Staff:** Roger Horn (786-7839).

**Background:** Local government utilities may charge the Department of Transportation (DOT) for the construction, operation, and maintenance of storm water control facilities. The rate local utilities may charge the DOT is limited to 30 percent of the rate for comparable real property. The rate charged may not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

For all new construction the DOT provides for the conveyance and treatment of storm water. For existing construction the department is undertaking a storm water retrofit program to address those facilities and associated rights of way that have storm water-related problems.

**Summary of Second Substitute Bill:** Beginning January 1, 1997, local storm water utilities may use assessment charges collected from the Department of Transportation

(DOT) only for capital projects that address state highway storm water impacts or for implementation of best management practices that reduce the need for such facilities. Each jurisdiction must develop an annual plan for expenditure of the fees in coordination with the DOT. The plan must be consistent with the objectives of the storm water management funding and implementation program created in the bill. Starting with the 1998 plan, a progress report on the prior year's plan must be submitted. The DOT may not pay any fees until the plan and progress report have been received.

The storm water management funding and implementation program provides for statewide coordination in the implementation of storm water facility projects and authorizes the DOT to provide grants, on a matching basis, to fund selected storm water projects. The DOT shall develop the program in cooperation with the Department of Ecology, cities, counties, ports, and Indian tribes. Cities, towns, counties, port districts, Indian tribes and the DOT are eligible for grants. A committee to oversee the grant process, comprised of two members each from the DOT, the Department of Ecology, and cities and counties, is created. Other members may be added at the discretion of the committee. A report on implementation of the program shall be submitted to the Legislative Transportation Committee and the Office of Financial Management by December 1, 1996. The program sunsets on July 1, 2003.

In developing highway projects, the DOT shall coordinate with adjacent jurisdictions and organizations to determine opportunities for cost-effective joint storm water treatment facilities.

**Second Substitute Bill Compared to Original Bill:** The substitute bill would have removed the authority of local storm water utilities to collect storm water assessments for state highway right of way. The second substitute bill retains that authority but requires that moneys collected from the DOT be used solely for projects and practices that address state highway storm water impacts. In addition, the substitute bill establishes the storm water management funding and implementation program and directs DOT to coordinate with jurisdictions and organizations to identify potential joint storm water facility projects related to state highways.

**Appropriation:** None.

**Fiscal Note:** Available. Requested on second substitute February 1, 1996.

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

**Testimony For:** There is a need for statewide coordination in developing storm water projects. About a half billion dollars is needed to retrofit the state highway

system for storm water mitigation. State storm water dollars should be used for state highway projects. More money needs to be put into implementation of storm water mitigation plans.

**Testimony Against:** The existing law is fair because the 30 percent rate accounts for DOT effort. The department should pay for impacts resulting from runoff it does not control. Any loss of revenue from DOT will have to be borne by other ratepayers. Local jurisdictions must deal with flooding as well as contaminants.

**Testified:** Jerry Alb, Department of Transportation (pro); Stan Finkelstein, Association of Washington Cities (con); Bob Mack, city of Bellevue (con); Steven Hall, Clark County (con); Randy Casteel, Kitsap County (con); and Scott Merriman, Washington Environmental Council (con).