

HOUSE BILL REPORT

HB 2031

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: 3/1/95, 3/6/95 [DPS].

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Robertson and D. Schmidt.

Minority Report: Do not pass. Signed by 6 members: Representatives Hatfield, Assistant Ranking Minority Member; Chopp; Quall; Romero; Scott and Tokuda.

Staff: Robin Rettew (786-7306).

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 Substitute Bill: Local utilities are prevented from charging the DOT for the construction, operation and maintenance of storm water control facilities.

Substitute Bill Compared to Original Bill: The original bill repealed RCW 90.03.525. The substitute bill amends RCW 90.03.525 to clarify that no local assessment fee for storm water may be charged to the DOT.

Appropriation: None.

Fiscal Note: Requested on February 22, 1995.

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

Testimony For: Many new federal and state laws have been adopted or revised since 1986 that place responsibility for planning, designing, constructing and maintaining storm water control facilities directly on the DOT. The DOT has developed a comprehensive storm water management program to address these responsibilities. It may have been appropriate in 1986 to allow cities and counties to charge the DOT for storm water related to state highways, but those responsibilities are now assumed by the state.

Testimony Against: The state agreed in 1986 to pay 30 percent of the storm water assessment fees charged for comparable real property. The state should not renege on their responsibilities. This is an unfunded mandate. The state has not provided adequate funding to manage all storm water associated with state highways running through local jurisdictions.

Testified: Jerry Alb, Department of Transportation (pro); Rico Baroga, Department of Transportation (pro); Curt Eschels, Washington State Association of Counties (con); Kathleen Collins, King County (con); Ken Canfield, Pierce County (con); Stan Finkelstein, Association of Washington Cities (con); Joanne Richter, city of Olympia (con); and Naki Stevens, People for Puget Sound (con).