

# HOUSE BILL REPORT

## 2SHB 2031

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### As Passed Legislature

**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:** By House Committee on Transportation (originally sponsored by Representative K. Schmidt).

**Brief History:**

**Committee Activity:**

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

**Floor Activity:**

Passed House: 2/6/96, 96-1.

Senate Amended.

House Concurred.

Passed Legislature.

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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 stormwater 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 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, business and environmental organizations, 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, and one member each from an environmental organization and a business organization, 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 improvement projects, the DOT shall coordinate with adjacent jurisdictions and organizations to determine opportunities for cost-effective joint storm water treatment facilities.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** 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 rate payers. 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).