
SUBSTITUTE HOUSE BILL 2031

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 03/06/95.

1 AN ACT Relating to storm water facility charges for highway; and
2 amending RCW 90.03.525.

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

4 **Sec. 1.** RCW 90.03.525 and 1986 c 278 s 54 are each amended to read
5 as follows:

6 ~~((The rate charged by a))~~ No local government utility ~~((to))~~ may
7 charge the department of transportation with respect to state highway
8 right of way or any section of state highway right of way for the
9 construction, operation, and maintenance of storm water control
10 facilities under chapters 35.67, 35.92, 36.89, 36.94, 56.08, and 86.15
11 RCW~~((, shall be thirty percent of the rate for comparable real~~
12 ~~property, except as otherwise provided in this section. The rate~~
13 ~~charged to the department with respect to state highway right of way or~~
14 ~~any section of state highway right of way within a local government~~
15 ~~utility's jurisdiction shall not, however, exceed the rate charged for~~
16 ~~comparable city street or county road right of way within the same~~
17 ~~jurisdiction. The legislature finds that the aforesaid rates are~~
18 ~~presumptively fair and equitable because of the traditional and~~
19 ~~continuing expenditures of the department of transportation for the~~

1 construction, operation, and maintenance of storm water control
2 facilities designed to control surface water or storm water runoff from
3 state highway rights of way. The utility imposing the charge and the
4 department of transportation may, however, agree to either higher or
5 lower rates with respect to the construction, operation, or maintenance
6 of any specific storm water control facilities based upon the extent
7 and adequacy of storm water control facilities constructed by the
8 department and upon the actual benefits to state highway rights of way
9 from the storm water control facilities constructed by the local
10 government utility. If a different rate is agreed to, a report so
11 stating shall be submitted to the legislative transportation committee.
12 If the local government utility and the department of transportation
13 cannot agree upon the proper rate, and after a report has been
14 submitted to the legislative transportation committee and after ninety
15 days from submission of such report, either may commence an action in
16 the superior court for the county in which the state highway right of
17 way is located to establish the proper rate. The court in establishing
18 the proper rate shall take into account the extent and adequacy of
19 storm water control facilities constructed by the department and the
20 actual benefits to the sections of state highway rights of way from
21 storm water control facilities constructed, operated, and maintained by
22 the local government utility. Control of surface water runoff and
23 storm water runoff from state highway rights of way shall be deemed an
24 actual benefit to the state highway rights of way. The rate for
25 sections of state highway right of way as determined by the court shall
26 be set forth in terms of the percentage of the rate for comparable real
27 property, but shall in no event exceed the rate charged for comparable
28 city street or county road right of way within the same jurisdiction)).
29 The legislature finds that the federal clean water act (national
30 pollution discharge elimination system, 40 C.F.R. parts 122-124), the
31 state water pollution control act, chapter 90.48 RCW, administered by
32 the department of ecology, the construction projects in state waters
33 act, chapter 75.20 RCW, administered by the department of fish and
34 wildlife, and the highway runoff program administered by the Puget
35 Sound water quality authority under chapter 90.70 RCW, mandate adequate
36 provision for the treatment and control of storm water runoff from
37 state highway rights of way owned by the department of transportation.
38 Appropriations made by the legislature to the department of
39 transportation for the construction, operation, and maintenance of

1 storm water control facilities are intended to address applicable
2 federal and state mandates related to storm water control and
3 treatment. This section is not intended to limit opportunities for
4 sharing the costs of storm water improvements between cities, counties,
5 and the state.

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