
SENATE BILL 5313

State of Washington

55th Legislature

1997 Regular Session

By Senators Wood, Haugen and Prince; by request of Department of Transportation

Read first time 01/22/97. Referred to Committee on Transportation.

1 AN ACT Relating to environmental mitigation of transportation
2 projects; amending RCW 43.79A.040; adding new sections to chapter 47.12
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of this act to provide the
6 department of transportation with a fiscal mechanism by which the
7 process of mitigating adverse environmental impacts from transportation
8 projects can be improved. Current transportation funding provides
9 limited flexibility for the department to actively participate in cost-
10 effective, multi-jurisdictional, and watershed techniques of
11 transportation project impact mitigation. The watershed approach to
12 environmental management is generally agreed upon by state and federal
13 environmental resource agencies to be more effective, in many cases,
14 than the traditional approach of managing environmental issues on a
15 media and location-specific basis. Providing environmental mitigation
16 in advance at select locations will provide a more efficient and
17 predictable environmental permit process, increase benefit to
18 environmental resources, and serve as a key tool in using the watershed
19 approach for environmental impact mitigation. The legislative

1 transportation committee, through its adoption of the December 1994
2 report "Environmental Cost Savings and Permit Coordination Study,"
3 directs state agencies to use the watershed approach in an improved
4 environmental mitigation and permitting process. Establishment of an
5 advanced transportation environmental mitigation revolving account
6 would help the state to improve permit processes and environmental
7 protection as related to providing transportation services.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.12 RCW
9 to read as follows:

10 For the purpose of environmental mitigation of transportation
11 projects, the department may acquire and develop environmental
12 mitigation in advance of the construction of programmed projects. The
13 term "advanced environmental mitigation" means mitigation of adverse
14 impacts upon the environment from the design and construction of
15 transportation projects, generally not more than ten years in advance
16 of programmed transportation projects. Advanced environmental
17 mitigation consists of the acquisition of property; the acquisition of
18 property, water, or air rights (i.e. air pollution credits); the
19 development of property for the purposes of improved environmental
20 management; engineering costs necessary for such purchase and
21 development; and the use of advanced environmental mitigation sites to
22 fulfill project environmental permit requirements. Advanced
23 environmental mitigation is for projects approved by the transportation
24 commission as part of the state's six-year plan or included in the
25 state's route development planning effort. Advanced environmental
26 mitigation may also be conducted in partnership with federal, state, or
27 local government agencies, tribal governments, interest groups, or
28 private parties.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.12 RCW
30 to read as follows:

31 The advanced environmental mitigation revolving account is created
32 in the custody of the treasurer, into which the department shall
33 deposit directly and may expend without appropriation:

34 (1) An initial appropriation included in the department of
35 transportation's 1997-99 budget, and deposits from other identified
36 sources;

1 (2) All moneys received by the department from internal and
2 external sources for the purposes of conducting advanced environmental
3 mitigation; and

4 (3) All interest gained from the management of the advanced
5 environmental mitigation revolving account.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.12 RCW
7 to read as follows:

8 (1) After advanced environmental mitigation is conducted from funds
9 in the advanced environmental mitigation revolving account, the
10 advanced environmental mitigation sites must be managed in accordance
11 with any permits, agreements, or other legal documents under which the
12 subject advanced environmental mitigation was conducted.

13 (2) When the department or any of its transportation partners
14 proceeds with the construction of a transportation project that will
15 use advanced environmental mitigation sites to meet environmental
16 mitigation needs of the project, the department shall reimburse the
17 advanced environmental mitigation revolving account from those
18 transportation project funds for the use of the advanced environmental
19 mitigation sites. The department shall pay all reimbursements to the
20 advanced environmental mitigation revolving account at the rate of the
21 original acquisition and development cost of the advanced mitigation
22 site plus an annual rate adjustment based on inflation and a five
23 percent fee to cover administrative costs. When only a portion of an
24 advanced environmental mitigation site is used, the reimbursement rate
25 charged to the purchasing party will be prorated for the portion used.

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

28 At the end of each biennium, the department shall report to the
29 legislative transportation committee and the office of financial
30 management:

- 31 (1) Which properties were purchased and why;
32 (2) Expenditures for the acquired parcels; and
33 (3) Estimated savings from these actions.

34 **Sec. 6.** RCW 43.79A.040 and 1996 c 253 s 409 are each amended to
35 read as follows:

1 (1) Money in the treasurer's trust fund may be deposited, invested,
2 and reinvested by the state treasurer in accordance with RCW 43.84.080
3 in the same manner and to the same extent as if the money were in the
4 state treasury.

5 (2) All income received from investment of the treasurer's trust
6 fund shall be set aside in an account in the treasury trust fund to be
7 known as the investment income account.

8 (3) The investment income account may be utilized for the payment
9 of purchased banking services on behalf of treasurer's trust funds
10 including, but not limited to, depository, safekeeping, and
11 disbursement functions for the state treasurer or affected state
12 agencies. The investment income account is subject in all respects to
13 chapter 43.88 RCW, but no appropriation is required for payments to
14 financial institutions. Payments shall occur prior to distribution of
15 earnings set forth in subsection (4) of this section.

16 (4)(a) Monthly, the state treasurer shall distribute the earnings
17 credited to the investment income account to the state general fund
18 except under (b) and (c) of this subsection.

19 (b) The following accounts and funds shall receive their
20 proportionate share of earnings based upon each account's or fund's
21 average daily balance for the period: The advanced environmental
22 mitigation revolving account, the agricultural local fund, the American
23 Indian scholarship endowment fund, the Washington international
24 exchange scholarship endowment fund, the energy account, the fair fund,
25 the game farm alternative account, the grain inspection revolving fund,
26 the rural rehabilitation account, and the self-insurance revolving
27 fund. However, the earnings to be distributed shall first be reduced
28 by the allocation to the state treasurer's service fund pursuant to RCW
29 43.08.190.

30 (c) The following accounts and funds shall receive eighty percent
31 of their proportionate share of earnings based upon each account's or
32 fund's average daily balance for the period: The advanced right of way
33 revolving fund, the federal narcotics asset forfeitures account, the
34 high occupancy vehicle account, and the local rail service assistance
35 account.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no trust accounts or funds shall be allocated earnings
3 without the specific affirmative directive of this section.

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