

SB 5164-S.E - DIGEST

(AS OF SENATE 2ND READING 3/14/05)

Authorizes the department of transportation to impose mitigation fees, or require mitigation, from development activity that creates additional significant demand and need for transportation improvements to highways of statewide significance or related facilities or state highways in urban growth areas as defined in RCW 36.70A.030, as determined by the department. This authority may be exercised only under chapter 43.21C RCW.

Provides that the mitigation or mitigation fee(s): (1) Must be determined within the time frame and in conjunction with the process established under this chapter;

(2) May be imposed only for state transportation improvements that are reasonably related to the development activity;

(3) May not exceed a proportionate share of the costs of state transportation improvements that are reasonably related to the development activity;

(4) Must be used for state transportation improvements that will reasonably benefit the development activity;

(5) Must be spent in all cases within six years of collection, or the unspent funds must be refunded; and

(6) Must be transparent and the method and details of how the mitigation or mitigation fee was derived must be included in the assessment.