
SENATE BILL 5314

State of Washington 64th Legislature 2015 Regular Session

By Senators Benton, Cleveland, and King

Read first time 01/19/15. Referred to Committee on Transportation.

1 AN ACT Relating to the use of local storm water charges paid by
2 the department of transportation; amending RCW 90.03.525; providing
3 an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 90.03.525 and 2005 c 319 s 140 are each amended to
6 read as follows:

7 (1) The rate charged by a local government utility to the
8 department of transportation with respect to state highway
9 right-of-way or any section of state highway right-of-way for the
10 construction, operation, and maintenance of storm water control
11 facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and
12 86.15 RCW, shall be thirty percent of the rate for comparable real
13 property, except as otherwise provided in this section. The rate
14 charged to the department with respect to state highway right-of-way
15 or any section of state highway right-of-way within a local
16 government utility's jurisdiction shall not, however, exceed the rate
17 charged for comparable city street or county road right-of-way within
18 the same jurisdiction. The legislature finds that the aforesaid rates
19 are presumptively fair and equitable because of the traditional and
20 continuing expenditures of the department of transportation for the
21 construction, operation, and maintenance of storm water control

1 facilities designed to control surface water or storm water runoff
2 from state highway rights-of-way.

3 (2) Charges paid under subsection (1) of this section by the
4 department of transportation, including charges paid prior to the
5 effective date of this section, must be used solely for storm water
6 control facilities that directly reduce ~~((state highway))~~ runoff
7 impacts or implementation of best management practices that will
8 reduce the need for such facilities. ~~((By January 1st of each year,~~
9 ~~beginning with calendar year 1997, the local government utility, in~~
10 ~~coordination with the department, shall develop a plan for the~~
11 ~~expenditure of the charges for that calendar year. The plan must be~~
12 ~~consistent with the objectives identified in RCW 90.78.010. In~~
13 ~~addition, beginning with the submittal for 1998, the utility shall~~
14 ~~provide a progress report on the use of charges assessed for the~~
15 ~~prior year. No charges may be paid until the plan and report have~~
16 ~~been submitted to the department.))~~

17 (3) The utility imposing the charge and the department of
18 transportation may, however, agree to either higher or lower rates
19 with respect to the construction, operation, or maintenance of any
20 specific storm water control facilities ~~((based upon the annual plan~~
21 ~~prescribed in subsection (2) of this section))~~. If, after mediation,
22 the local government utility and the department of transportation
23 cannot agree upon the proper rate, either may commence an action in
24 the superior court for the county in which the state highway
25 right-of-way is located to establish the proper rate. The court in
26 establishing the proper rate shall take into account the extent and
27 adequacy of storm water control facilities constructed by the
28 department and the actual benefits to the sections of state highway
29 rights-of-way from storm water control facilities constructed,
30 operated, and maintained by the local government utility. Control of
31 surface water runoff and storm water runoff from state highway
32 rights-of-way shall be deemed an actual benefit to the state highway
33 rights-of-way. The rate for sections of state highway right-of-way as
34 determined by the court shall be set forth in terms of the percentage
35 of the rate for comparable real property, but shall in no event
36 exceed the rate charged for comparable city street or county road
37 right-of-way within the same jurisdiction.

38 (4) The legislature finds that the federal clean water act
39 (national pollutant discharge elimination system, 40 C.F.R. parts
40 122-124), the state water pollution control act, chapter 90.48 RCW,

1 and the highway runoff program under chapter 90.71 RCW, mandate the
2 treatment and control of storm water runoff from state highway
3 rights-of-way owned by the department of transportation.
4 Appropriations made by the legislature to the department of
5 transportation for the construction, operation, and maintenance of
6 storm water control facilities are intended to address applicable
7 federal and state mandates related to storm water control and
8 treatment. This section is not intended to limit opportunities for
9 sharing the costs of storm water improvements between cities,
10 counties, and the state.

11 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect June 30, 2015.

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