

# SENATE BILL REPORT

## 2SHB 2031

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As Reported By Senate Committee On:  
Transportation, February 23, 1996

**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 state highway rights of way.

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

**Brief History:**

**Committee Activity:** Transportation: 2/21/96, 2/23/96 [DPA].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

**Staff:** Roger Horn (786-7839)

**Background:** Local government 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 Amended 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

must 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 must 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 must coordinate with adjacent jurisdictions and organizations to determine opportunities for cost-effective joint storm water treatment facilities.

**Amended Bill Compared to Substitute Bill:** The striking amendment includes environmental and business organizations in developing the stormwater management funding and implementation program and overseeing the grant process included in the program; clarifies the type of construction projects on which DOT coordinates with adjacent agencies and organizations for joint stormwater projects; and clarifies the manner in which funding from accounts managed by the Department of Ecology may be sought.

**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 stormwater projects. About a half billion dollars is needed to retrofit the state highway system for stormwater mitigation. Through cooperation, jurisdictions will spend stormwater dollars more effectively and save money for citizens. More money needs to be put into implementation of stormwater mitigation plans. By working together, jurisdictions will be better able to qualify for grants.

**Testimony Against:** The reporting requirements in the bill will place a burden on local jurisdictions. The Department of Transportation will be able to give grants to itself. The bill gives discretion to DOT as to whether to provide grants.

**Testified:** Jerry Alb, DOT (pro); Craig Olson, Assn. of WA Cities (pro); Jay Armstrong, County Road Administration Board (pro); Bob Mack, City of Bellevue (con).