

SENATE BILL REPORT

SB 5437

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 28, 2005

Title: An act relating to construction of bridges and trestles.

Brief Description: Concerning the construction of bridges and trestles over tidelands, shorelands, and harbor areas of the state.

Sponsors: Senators Doumit, Swecker, Jacobsen, Oke and Shin.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/23/05, 2/28/05 [DPS-WM].
Ways & Means: 3/4/05.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Hargrove, Morton, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Brian Sims (786-7431)

Background: Municipalities currently have the right to construct bridges and trestles across waterways under the state's control. Municipalities have this right where the bridges or trestles are constructed in good faith for the purposes of being made a part of a highway. Municipalities must pay for the aquatic right-of-way to accommodate the bridges and trestles and for any damages to the aquatic lands.

Summary of Substitute Bill: Municipalities have the right to construct bridges and trestles across waterways and over aquatic lands owned by the state if such bridges and trestles are constructed to be part of a highway. Municipalities must pay for any natural resources damages to those aquatic lands affected not already covered by an approved state or federal regulatory mitigation plan. Such a right must be granted by easement and no charge may be imposed for the right-of-way. The Department of Natural Resources may, however, recover its reasonable direct administrative costs in processing and approving the right-of-way request and reviewing construction plans.

Direct administrative costs means the cost of hours worked directly on an application or request based on salaries and benefits, plus travel reimbursement and other actual out-of-

pocket costs. By December 1, 2008, the Department must report to the Legislature regarding the collection of these direct administrative costs.

Substitute Bill Compared to Original Bill: The original bill provided municipalities the right to build bridges and trestles over state waterways without payment to the state for these rights-of-way or for damages to aquatic lands. The substitute bill allows the collection of natural resources damages and the Department's reasonable direct administrative costs in processing right-of-way requests. The substitute bill also requires the Department to report to the Legislature regarding the collection of these administrative costs.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Local governments want to be treated like the Department of Transportation when it comes to the ability to build bridges over state aquatic lands without paying fees. Negotiations with the Department regarding rights-of-way currently take a long period of time and payments for the rights-of-way are expensive.

Testimony Against: Local governments who damage state owned aquatic natural resources should have to pay for such damage, just as local governments would have to pay private property owners for any lands affected.

Who Testified: PRO: Jeff Rasmussen, Cowlitz County; Kent Cash, Cowlitz County.

CON: Tom Clingman, Department of Ecology; Fran McNair, Department of Natural Resources; Bruce Wishart, People for Puget Sound; Heath Packard, Audubon.