
SENATE BILL 6077

State of Washington

63rd Legislature

2014 Regular Session

By Senators Benton and Sheldon

Read first time 01/15/14. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to the use of storm water control facility rate
2 charges; and amending RCW 90.03.525.

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

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

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

1 department of transportation for the construction, operation, and
2 maintenance of storm water control facilities designed to control
3 surface water or storm water runoff from state highway rights-of-way.

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

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

36 ~~((4))~~ (3) The legislature finds that the federal clean water act
37 (national pollutant discharge elimination system, 40 C.F.R. parts 122-
38 124), the state water pollution control act, chapter 90.48 RCW, and the

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

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