

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1992**

Chapter 291, Laws of 1991

52nd Legislature  
1991 Regular Session

ADVANCE RIGHT-OF-WAY ACQUISITION

EFFECTIVE DATE: 7/28/91

Passed by the House March 19, 1991  
Yeas 97 Nays 1

JOE KING  
**Speaker of the  
House of Representatives**

Passed by the Senate April 11, 1991  
Yeas 44 Nays 2

JOEL PRITCHARD  
**President of the Senate**

Approved May 20, 1991

BOOTH GARDNER  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1992** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 20, 1991 - 11:07 a.m.

Secretary of State  
State of Washington



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HOUSE BILL 1992

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AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

**State of Washington**                      **52nd Legislature**                      **1991 Regular Session**

**By** Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell; by request of Department of Transportation.

Read first time February 18, 1991.      Referred to Committee on Transportation.

1            AN ACT Relating to advance right of way acquisition; amending RCW  
2 47.12.242, 47.12.244, 47.12.125, and 47.12.246; and adding a new  
3 section to chapter 47.12 RCW.

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

5            **Sec. 1.** RCW 47.12.242 and 1969 ex.s. c 197 s 6 are each amended to  
6 read as follows:

7            The term "advance right of way acquisition" means the acquisition  
8 of property and property rights, generally not ((less than two nor))  
9 more than ((seven)) ten years in advance of programmed highway  
10 construction projects, together with the engineering costs necessary  
11 for such advance right of way acquisition. Any property or property  
12 rights purchased must be in designated highway transportation corridors  
13 and be for projects approved by the commission as part of the state's  
14 six-year plan or included in the state's route development planning  
15 effort.

1       **Sec. 2.** RCW 47.12.244 and 1984 c 7 s 125 are each amended to read  
2 as follows:

3       There is created the "advance right of way revolving fund" in the  
4 custody of the treasurer, into which the department is authorized to  
5 deposit directly and expend without appropriation:

6       (1) An initial deposit of ten million dollars from the motor  
7 vehicle fund included in the department of transportation's 1991-93  
8 budget;

9       (2) All moneys received by the department as rental income from  
10 real properties that are not subject to federal aid reimbursement,  
11 except moneys received from rental of capital facilities properties as  
12 defined in chapter 47.13 RCW; and

13       (3) Any federal moneys available for acquisition of right of way  
14 for future construction under the provisions of section 108 of Title  
15 23, United States Code.

16       **Sec. 3.** RCW 47.12.125 and 1961 c 13 s 47.12.125 are each amended  
17 to read as follows:

18       All moneys paid to the state of Washington under any of the  
19 provisions of RCW 47.12.120 shall be deposited in the department's  
20 advance right of way revolving fund, except moneys that are subject to  
21 federal aid reimbursement, which shall be deposited in the motor  
22 vehicle fund, and except that moneys received from rental of capital  
23 facilities properties shall be deposited in the transportation capital  
24 facilities account as defined in chapter 47.13 RCW.

25       **Sec. 4.** RCW 47.12.246 and 1984 c 7 s 126 are each amended to read  
26 as follows:

27       (~~Whenever,~~) (1) After any properties or property rights are  
28 acquired from funds in the advance right of way revolving fund, the

1 department shall manage the properties in accordance with sound  
2 business practices. Funds received from interim management of the  
3 properties shall be deposited in the advance right of way revolving  
4 fund.

5 (2) When the department proceeds with the construction of a highway  
6 which will require the use of any of the property so acquired, the  
7 department shall reimburse the advance right of way revolving fund,  
8 from other funds available to it, the ~~((amount of the prior  
9 expenditures for advance right of way acquisition for))~~ current  
10 appraised value of the property or property rights required for the  
11 project together with damages caused to the remainder by the  
12 acquisition after offsetting against all such compensation and damages  
13 the special benefits, if any, accruing to the remainder by reason of  
14 the state highway being constructed. ((Such))

15 (3) When the department determines that any properties or property  
16 rights acquired from funds in the advance right of way revolving fund  
17 will not be required for a highway construction project the department  
18 may sell the property at fair market value in accordance with  
19 requirements of RCW 47.12.063. All proceeds of such sales shall be  
20 deposited in the advance right of way revolving fund.

21 (4) Deposits in the fund may be reexpended as provided in RCW  
22 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248  
23 without further or additional appropriations.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.12 RCW  
25 to read as follows:

26 At the end of each biennium the department shall report to the  
27 legislature and the office of financial management:

28 (1) Which properties were purchased and why;

29 (2) Expenditures for the acquired parcels; and

1 (3) Estimated savings to the state.

Passed the House March 19, 1991.

Passed the Senate April 11, 1991.

Approved by the Governor May 20, 1991.

Filed in Office of Secretary of State May 20, 1991.