

SENATE BILL REPORT

SHB 1657

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

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

Brief Description: Concerning the construction of bridges and trestles.

Sponsors: House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Takko, Buck, B. Sullivan, Orcutt, Blake, Wallace, Sells and Chase).

Brief History: Passed House: 3/10/05, 90-0.

Committee Activity: Natural Resources, Ocean & Recreation: 3/23/05, 3/28/05 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass.

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

Staff: Curt Gavigan (786-7437)

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 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. Such a right must be granted by easement and no charge may be imposed for the right-of-way. 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. The Department of Natural Resources (Department) 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.

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: When counties and cities build roads, they must pay for the use of air space over aquatic lands. The state's eliminating this expense would assist municipalities build these bridges, which in turn would help alleviate the state's increasing traffic problems. The idea that local government need not pay for the use of aquatic lands for transportation purposes should be expanded to include the use of such lands for passenger only ferry docks. The bill clarifies the circumstances under which natural resources damages must be paid.

Testimony Against: None.

Who Testified: PRO: Representative Takko, prime sponsor; Fran McNair, Department of Natural Resources; Jim Metcalf, Kitsap Transit and Port of Bremerton.