

**SSB 6001 - S AMD 607**

By Senators Benton, King, Eide

**ADOPTED 03/04/2014**

1 On page 66, after line 9, insert the following:

2 **"MISCELLANEOUS 2013-2015 FISCAL BIENNIUM**

3

4 **Sec. 701.** RCW 90.03.525 and 2005 c 319 s 140 are each amended  
5 to read as follows:

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

23 (2) Charges paid under subsection (1) of this section by the  
24 department of transportation must be used solely for storm water  
25 control facilities that directly reduce ((state highway)) runoff  
26 impacts or implementation of best management practices that will  
27 reduce the need for such facilities. ~~By January 1st of each year,~~

1 ~~beginning with calendar year 1997, the local government utility, in~~  
2 ~~coordination with the department, shall develop a plan for the~~  
3 ~~expenditure of the charges for that calendar year. The plan must be~~  
4 ~~consistent with the objectives identified in RCW 90.78.010. In~~  
5 ~~addition, beginning with the submittal for 1998, the utility shall~~  
6 ~~provide a progress report on the use of charges assessed for the~~  
7 ~~prior year. No charges may be paid until the plan and report have~~  
8 ~~been submitted to the department.))~~

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

31 (4) The legislature finds that the federal clean water act  
32 (national pollutant discharge elimination system, 40 C.F.R. parts  
33 122- 124), the state water pollution control act, chapter 90.48 RCW,  
34 and the highway runoff program under chapter 90.71 RCW, mandate the

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

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11 On page 66, after line 10, insert the following:

12 "NEW SECTION. **Sec. 801.** Section 701 of this act expires June  
13 30, 2015."

14

15 Renumber the remaining sections consecutively and correct any  
16 internal references accordingly.

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21 On page 1, at the beginning of line 2 of the title, insert  
22 "amending RCW 90.03.525;"

23

24 On page 1, beginning on line 8 of the title, insert "providing  
25 an expiration date;"

25

26 Renumber the remaining sections consecutively and correct any  
27 internal references accordingly.

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EFFECT: Provides that charges paid by the department of transportation to local government utilities for the construction, operation, and maintenance of storm water control facilities must be used for storm water control facilities that reduce any runoff impacts, rather than runoff impacts specifically from state highways.

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