

# HOUSE BILL REPORT

## HB 2590

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to county road administration and maintenance.

**Brief Description:** Concerning county road administration and maintenance.

**Sponsors:** Representatives Moscoso, Rodne, Clibborn, Stanford and Springer.

**Brief History:**

**Committee Activity:**

Local Government: 1/27/16, 2/3/16 [DPS].

**Brief Summary of Substitute Bill**

- Modifies the appraisal process for vacation of county roads to allow an appraiser to consider certain factors in the valuation.
- Clarifies the authority of a county engineer over records related to county roads and modifies provisions related to storage of public records related to county roads.
- Prohibits counties containing a population of 400,000 or more that have established a public works department from allowing public employees to perform a riverine or storm water project under certain circumstances.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon, McBride, Peterson and Pike.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin.

**Staff:** Cassie Jones (786-7303).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## County Roads.

*Generally.* County roads include every highway or part of a highway outside the limits of incorporated cities and towns, which have not been designated as a state highway. All county roads in each county must be established, laid out, constructed, altered, repaired, improved, and maintained by the legislative authority of the county as agents of the state, or by private individuals or corporations who are allowed to perform such work under agreement with the county legislative authority. Such work must be done in accordance with adopted county standards and under the supervision and direction of the county engineer.

*Vacation.* When a county road or any part of a county road is considered useless, the board of county commissioners (board) may declare its intention to vacate and abandon the road and direct the county road engineer to report upon the vacation and abandonment. A majority of owners of the frontage on any county road or portion of a county road may petition the county legislative authority to vacate and abandon the road. A majority vote of the board is required to vacate and abandon any county road.

The board may, by ordinance, separately classify county roads, whether or not public expenditures have been made on the roads, according to the nature of the county's property interest in the road and may require persons benefiting from the vacation of county roads to compensate the county as a condition precedent to the vacation of the road. Ordinances adopted to require compensation for the vacation of county roads must equal all or a percentage of the appraised value of the vacated road as of the effective date of the vacation.

*Engineer.* The county legislative authority of each county must employ a county road engineer (engineer), or may contract with another county for the engineering services of an engineer from such other county. The engineer must keep an office at the county seat. The records and books in the engineer's office are public records and must be open to inspection and examination by the public. The engineer must be a registered and licensed professional civil engineer under state law and experienced in highway and road engineering and construction. Among the duties of the engineer are examining and certifying all estimates and bills for labor and materials with respect to county roads and preparing standards of construction of roads and bridges. The engineer must keep records in his or her office of all matters concerning public roads including a highway plat book and records of expenditures.

## Public Works – Counties with a Population of 400,000 or More.

"Public works" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any such property therein.

A county with a population of 400,000 or more, which has established a county purchasing department, may have public works performed by county employees if the dollar value of the public works does not exceed 10 percent of the public works construction budget for the budget period. In addition to this percentage limitation, such a county may not have public employees perform a public works project in excess of \$90,000 if more than a single craft or trade is involved with the project, or a public works project in excess of \$45,000 if only a

single craft or trade is involved. Counties may not divide the project into units of work to avoid the restriction on work that may be performed by public employees on a single project.

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### **Summary of Substitute Bill:**

#### County Roads.

*Vacation.* In considering the appropriate compensation to the county for the vacation of a road, the appraising agency may include in the valuation the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit.

*Engineer.* Provisions specifying supplies that must be provided to the engineer are deleted. Language is clarified that the engineer has authority over records in his or her office, all matters concerning roads, and records of expenditures. New language permits records related to roads or rights-of-way annexed or transferred to other jurisdictions to be transferred to those jurisdictions and requires records related to transitory or maintenance activities to be kept according to retention schedules. The requirement that the engineer keep a highway plat in his or her office is modified to require the highway plat to be publicly accessible. Finally, new language permits records to be physically archived with other county records that are available to the public.

#### Public Works – Counties with a Population of 400,000 or More.

In addition to current limitations on performance of public works by public employees in counties with a population of 400,000 or more, with a county purchasing department, public employees may not perform:

- a riverine project or storm water project in excess of \$250,000 if more than a single craft or trade is involved with the project; or
- a riverine project or storm water project in excess of \$125,000 if only a single craft or trade is involved with the project.

A riverine or storm water project may not be divided into units of work to avoid these restrictions.

"Riverine project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on a property, carried out on a river or stream and its tributaries and associated floodplains beds, banks, and waters for the purpose of improving aquatic habitat, improving water quality, restoring floodplain function, or providing flood protection.

"Storm water project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a municipal separate storm sewer system, and any connections to the system, that is regulated under a state-issued national pollutant discharge elimination system general municipal storm water

permit for the purpose of improving control of storm water runoff quantity and quality from developed land, safely conveying storm water runoff, or reducing erosion or other water quality impacts caused by municipal separate storm sewer system discharges.

**Substitute Bill Compared to Original Bill:**

The amended bill:

- removes the sections of the bill that allow a county and a city or town located in the county to, by agreement, revise any part of the corporate boundary of the city or town to coincide with the county line or right of way line when the county line is located within a public street, road, or highway right of way; and
- removes the section of the bill that allows ownership of a portion of a county road to be legislatively transferred to a city or town under certain circumstances.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is an efficiency bill. County roads and bridges are in crisis. The reason for the crisis is that only a small percentage of counties are unincorporated. This creates a minimal tax base. Counties have made efforts to reduce costs. Additional resources are needed to keep critical roads and bridges functioning. This bill addresses stranded county roads, called orphan roads. Municipalities have grown up all around certain portions of roads and only small segments belong to the county. It is very inefficient for counties to maintain these roads and it increases costs to the taxpayers.

Due to funding shortfalls, the counties are having difficulties funding maintenance for the roads. Some residents would like to take over their roads or driveways from the county. This bill provides for considerations beyond fair market value in moving bills from county ownership to private ownership. Considerations can include transfer of liability and public benefits. The bill also allows for the county to work with rural property owners in working through key issues of road maintenance. The bill also adjusts statutes pertaining to the county road engineer to reflect modern records storage procedures such as online records. The bill allows more flexibility for work on riverine and storm water projects. The county is able to use its own employees to do certain types of public works.

Stakeholders have worked diligently on these issues. Counties still maintain very critical areas connecting the cities while the cities are growing and expanding their tax bases. Everyone should pay their fair share for the regional road networks maintained by the counties.

(Opposed) None.

(Other) County roads systems are underfunded. Only a small number of residents live in unincorporated areas and are entirely responsible for paying for the county road system while everyone is using the county roads.

There are concerns with respect to section (4) of the bill, which is the orphan road section. This section of the bill allows one unit of government to unilaterally decide that another unit of government is going to inherit the costs and liabilities associated with a roadway. This section removes the requirement that cities agree to the road transfer. Section (4) should be removed. If cities have to take over certain county roads, the roads would quickly become the highest priority, lowest performing roadways in the cities. The bill applies to all counties statewide. Section (4) should be removed so counties and cities can work collaboratively on these issues.

**Persons Testifying:** (In support) Kathy Lambert, King County City Council; Rick Brater, King County Department of Transportation; and Bryce Yadon, Futurewise.

(Other) Amy Ockerlander, City of Duvall; Doug Levy, City of Kent; and Scott McColl, City of Shoreline.

**Persons Signed In To Testify But Not Testifying:** None.