
HOUSE BILL 1992

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 (~~construction~~)
10 acquisition projects, together with the engineering costs necessary for
11 such advance right of way acquisition. Any property or property rights
12 purchased must be in designated transportation corridors and be for
13 projects approved by the commission as part of the state's six-year
14 plan or included in the state's route development planning 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
6 ((highway which)) transportation project that will require the use of
7 any of the property so acquired, the department shall reimburse the
8 advance right of way revolving fund, from other funds available to it,
9 the ((amount of the prior expenditures for advance right of way
10 acquisition for)) current appraised value of the property or property
11 rights required for the project together with damages caused to the
12 remainder by the appropriation after offsetting against all such
13 compensation and damages the special benefits, if any, accruing to the
14 remainder by reason of the state ((highway)) transportation project
15 being constructed. ((Such))

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

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

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

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

29 (1) Which properties were purchased and why;

- 1 (2) Expenditures for the acquired parcels; and
- 2 (3) Estimated savings to the state.