

CHAPTER 262

[Engrossed Senate Bill No. 486]

PUBLIC HIGHWAY CONSTRUCTION--
RELOCATION COSTS FOR UTILITY FACILITIES

AN ACT Relating to public highways; providing for payment for costs of relocating utility facilities located within the right-of-way of interstate highways, when relocation is necessitated by construction of such highways; creating a special fund out of which such payments shall be made; and adding new sections to chapter 47.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 47.44 RCW a new section to read as follows:

The legislature finds that federal regulations governing the construction, reconstruction, repair, alteration, relocation and improvement of the national system of defense and interstate highways, funded in large part by funds of the United States, require substantial removal and relocation of the facilities of local utilities. The removal and relocation of these facilities in Washington, necessary to serve the national need for safe interstate highways, cost millions of dollars. The congress, accepting a national interstate highway system as a national commitment to be paid for nationally, has provided federal funds to pay the great bulk of the costs--including the costs of removing and relocating utility facilities where payment of such costs is permitted by state law. Thus the cost of utility facility removal and relocation was intended to be part of the national highway commitment, rather than a burden to the utility rate payers of this state.

The legislature further finds that it is in the public interest and for a public purpose that utilities owning such facilities be paid or reimbursed for the relocation and removal costs so that federal moneys might be obtained and Washington tax and utility rate payers pay no more than their fair share for the national highway program. Receipt of federal funds will benefit utility rate payers who make up the public and will not confer a significant benefit on utility owners.

NEW SECTION. Sec. 2. There is added to chapter 47.44 RCW a new section to read as follows:

There is hereby established in the state treasury a special fund, to be known as the federal-aid utility relocation fund and to be administered by the state highway commission in accordance with the provisions of this act. The special fund is and shall be administered as a separate and special fund of a proprietary nature. There shall be appropriate accounts and subaccounts within the fund,

as required by sound accounting practices, including but not limited to individual accounts for each of the several utilities making payments to the fund as hereinafter provided. The special fund shall not be a part of the general fund of the state nor of the state motor vehicle fund, and in no event shall any of the general fund or the motor vehicle fund be used in connection with this act.

NEW SECTION. Sec. 3. There is added to chapter 47.44 RCW a new section to read as follows:

Contributions and advances may be made to the federal-aid utility relocation fund by publicly, privately or cooperatively owned utilities, and shall be credited to individual accounts for those utilities. The contributions and advances shall be accepted on such terms and conditions as are appropriate for the purposes of carrying out this act. All moneys received by the fund shall upon receipt become funds of the state, subject, however, to the provisions of this act.

NEW SECTION. Sec. 4. There is added to chapter 47.44 RCW a new section to read as follows:

Moneys in the federal-aid utility relocation fund shall be used as follows:

(1) To pay the cost of administering the provisions of this act, which cost shall be equitably apportioned among and paid from the individual accounts of the participating utilities;

(2) To pay the costs of relocation and removal of utility facilities required by the construction, reconstruction, repair, alteration, relocation and improvement of interstate highways, notwithstanding any contrary provision of law or of any existing or future franchise held by any publicly, privately or cooperatively owned utility, but subject to the following limitations:

(a) No payment shall be made except in connection with the removal and relocation of facilities pursuant to highway commission order and except upon the presentation of evidence satisfactory to the state highway commission substantiating utility expenditures for removal or relocation; and

(b) No payment shall be made from the individual account of any utility which exceeds the total moneys in such individual account.

NEW SECTION. Sec. 5. There is added to chapter 47.44 RCW a new section to read as follows:

Promptly after the highway commission has paid or reimbursed a utility, in accordance with the provisions of this act, for costs of the removal or relocation of its facilities located on the federal interstate highway system, the highway commission shall apply to the United States for reimbursement of such removal and relocation costs under the provisions of section 123, Federal-aid Highway Act of 1958.

Any funds received as a result of such application shall be deposited in the federal-aid utility relocation fund, and credited to the accounts of individual utilities in such amounts as the funds received represent and are attributable to federal reimbursement for state payments from those individual accounts as provided in this act.

NEW SECTION. Sec. 6. There is added to chapter 47.44 RCW a new section to read as follows:

All moneys in individual accounts shall be transmitted to the particular utilities within thirty days of their receipt by the highway commission. In the event of the discontinuance of the federal aid highway program, any moneys remaining in the federal-aid utility relocation fund, after all proper payments have been made therefrom, shall be paid to the state general fund.

NEW SECTION. Sec. 7. There is added to chapter 47.44 RCW a new section to read as follows:

The legislature intends that the provisions of this act shall be nonseverable. If any provision of this act, or part thereof, or its application to any person or circumstance is held invalid, the entire act shall be inoperative. In the event this act should be declared unconstitutional, all contributions and advances to the federal-aid utility relocation fund shall be repaid to the utilities in proportion to their contributions and advances.

Passed the Senate May 4, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 263

[Engrossed Senate Bill No. 559]

LEGISLATIVE BUDGET COMMITTEE--

AUTHORITY TO ORDER REDUCTIONS IN EXPENDITURES
BY CERTAIN OFFICIALS AND AGENCIES

AN ACT Relating to state government; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.88 RCW.

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

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

The legislative budget committee is authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities except institutions of higher learning up to the amount of reductions