
SUBSTITUTE HOUSE BILL 2491

State of Washington

68th Legislature

2024 Regular Session

By House Transportation (originally sponsored by Representative Fey)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to modifying allowable terms for the lease of
2 unused highway land; and amending RCW 47.12.120.

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

4 **Sec. 1.** RCW 47.12.120 and 2022 c 59 s 1 are each amended to read
5 as follows:

6 The department may rent or lease any lands, improvements, or air
7 space above or below any lands that are held for highway purposes but
8 are not presently needed. The rental or lease:

9 (1) Must be upon such terms and conditions as the department may
10 determine;

11 (2) Is subject to the provisions and requirements of zoning
12 ordinances of political subdivisions of government;

13 (3) Includes lands used or to be used for both limited access and
14 conventional highways that otherwise meet the requirements of this
15 section;

16 (4) In the case of bus shelters provided by a local transit
17 authority that include commercial advertising, may charge the transit
18 authority only for commercial space; ~~((and))~~

19 (5) In the case of the project for community purposes established
20 in RCW 47.12.380, must be consistent with the provisions of that
21 section; and

1 (6) (a) In the case of a lease agreement with a public agency or a
2 community-based nonprofit organization using the property to serve
3 community purposes, at the department's discretion, the economic rent
4 due may be offset for the social, environmental, or economic benefits
5 provided by the lessee for community purposes.

6 (b) A lease agreement under (a) of this subsection must require
7 the lessee to maintain the premises as part of the consideration to
8 the department.

9 (c) A lease agreement under (a) of this subsection must include:

10 (i) A requirement that the property shall be used for the
11 designated community purposes; and

12 (ii) Remedies that apply if the lessee of the property fails to
13 use it for the designated community purposes or ceases to use it for
14 these purposes.

15 (d) The department must provide an annual report to the
16 transportation committees of the legislature by December 1st of each
17 year with information on the active lease agreements authorized under
18 this subsection, including the community purposes being served and a
19 summary of relevant lease terms.

20 (e) For the purposes of this subsection (6), "community purposes"
21 means providing one or more of the following for public benefit
22 purposes:

23 (i) Housing, housing assistance, and related services;

24 (ii) Parks;

25 (iii) Enhanced public spaces including, but not limited to,
26 public plazas; or

27 (iv) Public recreation.

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