
SECOND SUBSTITUTE HOUSE BILL 1081

State of Washington

61st Legislature

2009 Regular Session

By House Transportation (originally sponsored by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller, and Jacks)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to local improvement district financing of railroad
2 crossing protection devices; and amending RCW 35.43.040.

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

4 **Sec. 1.** RCW 35.43.040 and 1997 c 452 s 16 are each amended to read
5 as follows:

6 Whenever the public interest or convenience may require, the
7 legislative authority of any city or town may order the whole or any
8 part of any local improvement including but not restricted to those, or
9 any combination thereof, listed below to be constructed, reconstructed,
10 repaired, or renewed and landscaping including but not restricted to
11 the planting, setting out, cultivating, maintaining, and renewing of
12 shade or ornamental trees and shrubbery thereon; may order any and all
13 work to be done necessary for completion thereof; and may levy and
14 collect special assessments on property specially benefited thereby to
15 pay the whole or any part of the expense thereof, viz:

16 (1) Alleys, avenues, boulevards, lanes, park drives, parkways,
17 parking facilities, public places, public squares, public streets,
18 their grading, regrading, planking, replanking, paving, repaving,
19 macadamizing, remacadamizing, graveling, regravelling, piling, repiling,

1 capping, recapping, or other improvement; if the management and control
2 of park drives, parkways, and boulevards is vested in a board of park
3 commissioners, the plans and specifications for their improvement must
4 be approved by the board of park commissioners before their adoption;

5 (2) Auxiliary water systems;

6 (3) Auditoriums, field houses, gymnasiums, swimming pools, or other
7 recreational, playground, museum, cultural, or arts facilities or
8 structures;

9 (4) Bridges, culverts, and trestles and approaches thereto;

10 (5) Bulkheads and retaining walls;

11 (6) Dikes and embankments;

12 (7) Drains, sewers, and sewer appurtenances which as to trunk
13 sewers shall include as nearly as possible all the territory which can
14 be drained through the trunk sewer and subsewers connected thereto;

15 (8) Escalators or moving sidewalks together with the expense of
16 operation and maintenance;

17 (9) Parks and playgrounds;

18 (10) Sidewalks, curbing, and crosswalks;

19 (11) Street lighting systems together with the expense of
20 furnishing electrical energy, maintenance, and operation;

21 (12) Underground utilities transmission lines;

22 (13) Water mains, hydrants, and appurtenances which as to trunk
23 water mains shall include as nearly as possible all the territory in
24 the zone or district to which water may be distributed from the trunk
25 water mains through lateral service and distribution mains and
26 services;

27 (14) Fences, culverts, syphons, or coverings or any other feasible
28 safeguards along, in place of, or over open canals or ditches to
29 protect the public from the hazards thereof;

30 (15) Roadbeds, trackage, signalization, storage facilities for
31 rolling stock, overhead and underground wiring, and any other
32 stationary equipment reasonably necessary for the operation of an
33 electrified public streetcar line;

34 (16) Systems of surface, underground, or overhead railways,
35 tramways, buses, or any other means of local transportation except
36 taxis, and including passenger, terminal, station parking, and related
37 facilities and properties, and such other facilities as may be
38 necessary for passenger and vehicular access to and from such terminal,

1 station, parking, and related facilities and properties, together with
2 all lands, rights-of-way, property, equipment, and accessories
3 necessary for such systems and facilities;

4 (17) Convention center facilities or structures in cities
5 incorporated before January 1, 1982, with a population over sixty
6 thousand located in a county with a population over one million, other
7 than the city of Seattle. Assessments for purposes of convention
8 center facilities or structures may be levied only to the extent
9 necessary to cover a funding shortfall that occurs when funds received
10 from special excise taxes imposed pursuant to chapter 67.28 RCW are
11 insufficient to fund the annual debt service for such facilities or
12 structures, and may not be levied on property exclusively maintained as
13 single-family or multifamily permanent residences whether they are
14 rented, leased, or owner occupied; (~~and~~)

15 (18) Programs of aquatic plant control, lake or river restoration,
16 or water quality enhancement. Such programs shall identify all the
17 area of any lake or river which will be improved and shall include the
18 adjacent waterfront property specially benefited by such programs of
19 improvements. Assessments may be levied only on waterfront property
20 including any waterfront property owned by the department of natural
21 resources or any other state agency. Notice of an assessment on a
22 private leasehold in public property shall comply with provisions of
23 chapter 79.44 RCW. Programs under this subsection shall extend for a
24 term of not more than five years; and

25 (19) Railroad crossing protection devices, including maintenance
26 and repair. Assessments for purposes of railroad crossing protection
27 devices may not be levied on property owned or maintained by a
28 railroad, railroad company, street railroad, or street railroad
29 company, as defined in RCW 81.04.010, or a regional transit authority
30 as defined in RCW 81.112.020.

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