

# HOUSE BILL REPORT

## ESSB 6093

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**As Passed House:**

February 27, 1996

**Title:** An act relating to sidewalk reconstruction.

**Brief Description:** Providing for sidewalk reconstruction.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Sheldon, Winsley, Drew, Owen, Prentice and Quigley).

**Brief History:**

**Committee Activity:**

Government Operations: 2/21/96, 2/23/96 [DP].

**Floor Activity:**

Passed House: 2/27/96, 98-0.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

**Staff:** Bill Lynch (786-7092).

**Background:** Cities and towns are authorized to construct, reconstruct, and repair sidewalks and to assess the costs against owner of the abutting property. If the project is less than one block long and is located within a city, the cost of the project may not exceed 50 percent of the valuation of the abutting property.

Concerns have been expressed by some citizens that there are instances when the city or town is partly responsible for the deterioration of a sidewalk. It is felt that in such cases, the city or town should bear the cost of reconstructing the sidewalk.

A "sidewalk" is defined to include "all structures or forms of improvement included in the space between the street margin and the roadway."

**Summary of Bill:** In a city or town, the owner of the abutting property cannot be charged with any cost of reconstructing a sidewalk if the reconstruction is required to correct deterioration of or damage to the sidewalk that is the direct result of actions by the city or its agents, or from the failure of the city or town to enforce its ordinances.

"Sidewalk" is defined to include "all pedestrian structures or forms of improvement included in the space between the street margin, as defined by a curb or the edge of the traveled road surface, and the line where the public right of way meets the abutting property."

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Property owners shouldn't have to pay for sidewalks that deteriorate because cities don't enforce their ordinances. Many sidewalks are used for parking vehicles. Some sidewalks are over 90 years old and can't be used by children because of disrepair.

**Testimony Against:** The burden of proof should be on the property owner because it would be difficult for a city or town to maintain records on all sidewalks.

**Testified:** Senator Sheldon, prime sponsor; Martin Sutherland, Tacoma resident; Andrew Paryapa, Bremerton resident; and Craig Olson, Association of Washington Cities (with concerns).