

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1352**

Chapter 190, Laws of 2003

58th Legislature  
2003 Regular Session

RAILROADS--GRADE CROSSING PROTECTIVE FUND

EFFECTIVE DATE: 7/27/03

Passed by the House February 26, 2003  
Yeas 96 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate April 10, 2003  
Yeas 48 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved May 9, 2003.

GARY LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1352** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

\_\_\_\_\_  
**Chief Clerk**

FILED

May 9, 2003 - 4:06 p.m.

**Secretary of State  
State of Washington**

---

HOUSE BILL 1352

---

Passed Legislature - 2003 Regular Session

State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Murray, Ericksen and Romero; by request of  
Utilities & Transportation Commission

Read first time 01/23/2003. Referred to Committee on Transportation.

1            AN ACT Relating to apportionment of the cost of installing and  
2 maintaining signals or warning devices at railroad-highway grade  
3 crossings; amending RCW 81.53.271 and 81.53.281; and creating a new  
4 section.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that grade crossing,  
7 rail trespass, and other safety issues continue to present a public  
8 safety problem.

9            The legislature further finds that with the increased importance of  
10 rail to freight and commuter mobility, there is a direct public benefit  
11 in assisting local communities and railroads to work together to  
12 address rail-related public safety concerns.

13            **Sec. 2.** RCW 81.53.271 and 1982 c 94 s 2 are each amended to read  
14 as follows:

15            The petition shall set forth by description the location of the  
16 crossing or crossings, the type of signal or other warning device to be  
17 installed, the necessity from the standpoint of public safety for such  
18 installation, the approximate cost of installation and related work,

1 and the approximate annual cost of maintenance. If the commission  
2 directs the installation of a grade crossing protective device, and a  
3 federal-aid funding program is available to participate in the costs of  
4 such installation, (~~both~~) installation and maintenance costs of the  
5 device shall be apportioned in accordance with the provisions of RCW  
6 81.53.295. Otherwise if installation is directed by the commission, it  
7 shall apportion the cost of installation and maintenance as provided in  
8 this section:

9 (1) Installation: (~~(+1)~~) (a) The first twenty thousand dollars  
10 shall be apportioned to the grade crossing protective fund created by  
11 RCW 81.53.281; and

12 (b) The remainder of the cost shall be apportioned as follows:

13 (i) Sixty percent to the grade crossing protective fund, created by  
14 RCW 81.53.281;

15 (~~(+2)~~) (ii) Thirty percent to the city, town, county, or state;  
16 and

17 (~~(+3)~~) (iii) Ten percent to the railroad:

18 PROVIDED, That, if the proposed installation is located at a new  
19 crossing requested by a city, town, county, or state, forty percent of  
20 the cost shall be apportioned to the city, town, county, or state, and  
21 none to the railroad. If the proposed installation is located at a new  
22 crossing requested by a railroad, then the entire cost shall be  
23 apportioned to the railroad. In the event the city, town, county, or  
24 state should concurrently petition the commission and secure an order  
25 authorizing the closure of an existing crossing or crossings in  
26 proximity to the crossing for which installation of signals or other  
27 warning devices shall have been directed, the apportionment to the  
28 petitioning city, town, county, or state shall be reduced by ten  
29 percent of the total cost for each crossing ordered closed and the  
30 apportionment from the grade crossing protective fund increased  
31 accordingly. This exception shall not be construed to permit a charge  
32 to the grade crossing protective fund in an amount greater than the  
33 total cost otherwise apportionable to the city, town, county, or state.  
34 No reduction shall be applied where one crossing is closed and another  
35 opened in lieu thereof, nor to crossings of a private nature.

36 (2) Maintenance: (~~(+1)~~) (a) Twenty-five percent to the grade  
37 crossing protective fund, created by RCW 81.53.281; and

38 (~~(+2)~~) (b) Seventy-five percent to the railroad:

1        PROVIDED, That if the proposed installation is located at a new  
2 crossing requested by a railroad, then the entire cost shall be  
3 apportioned to the railroad.

4        **Sec. 3.** RCW 81.53.281 and 1998 c 245 s 166 are each amended to  
5 read as follows:

6        There is hereby created in the state treasury a "grade crossing  
7 protective fund((~~7~~))" to ~~((which shall be transferred all moneys~~  
8 ~~appropriated for the purpose of carrying))~~ carry out the provisions of  
9 RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295; for  
10 grants and/or subsidies to public, private, and nonprofit entities for  
11 rail safety projects authorized or ordered by the commission; and for  
12 personnel and associated costs related to supervising and administering  
13 rail safety grants and/or subsidies. The commission shall transfer  
14 from the public service revolving fund's miscellaneous fees and  
15 penalties accounts moneys appropriated for these purposes as needed.  
16 At the time the commission makes each allocation of cost to said grade  
17 crossing protective fund, it shall certify that such cost shall be  
18 payable out of said fund. ~~((When federal-aid highway funds are not~~  
19 ~~involved, the railroad shall, upon completion of the installation of~~  
20 ~~any such signal or other protective device and related work, present~~  
21 ~~its claim for reimbursement for the cost of installation and related~~  
22 ~~work from said fund of the amount allocated thereto by the commission.~~  
23 ~~The annual cost of maintenance shall be presented and paid in a like~~  
24 ~~manner.))~~ When federal-aid highway funds are involved, the department  
25 of transportation shall, upon entry of an order by the commission  
26 requiring the installation or upgrading of a grade crossing protective  
27 device, submit to the commission an estimate for the cost of the  
28 proposed installation and related work. Upon receipt of the estimate  
29 the commission shall pay to the department of transportation the  
30 percentage of the estimate specified in RCW 81.53.295, as now or  
31 hereafter amended, to be used as the grade crossing protective fund  
32 portion of the cost of the installation and related work. ~~((The~~  
33 ~~commission is hereby authorized to recover administrative costs from~~  
34 ~~said fund in an amount not to exceed three percent of the direct~~  
35 ~~appropriation provided for any biennium, and in the event~~  
36 ~~administrative costs exceed three percent of the appropriation, the~~

1 ~~excess shall be chargeable to regulatory fees paid by railroads~~  
2 ~~pursuant to RCW 81.24.010.~~

3 ~~The office of financial management shall direct the state treasurer~~  
4 ~~to transfer to the motor vehicle fund an amount not to exceed~~  
5 ~~\$1,331,000 from the grade crossing protective fund for the 1987-89~~  
6 ~~fiscal biennium.))~~

7 The commission may adopt rules for the allocation of money from the  
8 grade crossing protective fund.

Passed by the House February 26, 2003.

Passed by the Senate April 10, 2003.

Approved by the Governor May 9, 2003.

Filed in Office of Secretary of State May 9, 2003.