
SUBSTITUTE HOUSE BILL 1172

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Education (originally sponsored by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Valle, Brough, Phillips, Rasmussen, Jones, Dorn, P. Johnson, Jacobsen, Winsley, R. King, Pruitt, H. Myers, Ogden, Wood, Vance, Sheldon, Day, Spanel, Leonard, Paris, Rust, Scott, Haugen, Mitchell, Hine, Cantwell, Wynne, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprenkle, Orr and Tate; by request of Task Force on Student Transp. Safety).

Read first time February 18, 1991.

1 AN ACT Relating to student pedestrian safety; amending RCW
2 58.17.110 and 82.02.090; adding new sections to chapter 28A.160 RCW;
3 creating a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the number of
6 motor vehicles on the roads of the state has increased dramatically in
7 recent years, and that this increase has created unsafe conditions for
8 many of our children as they travel to and from school. The
9 legislature further finds that responsibility to ensure safe walking
10 conditions and bus stops for our children is fragmented, and that
11 inadequate resources have been devoted to improving pedestrian safety.

12 NEW SECTION. **Sec. 2.** The school pathway and bus stop
13 improvement program is hereby created. The purpose of the program is
14 to identify roads, streets, and bus stops that are hazardous to school

1 children as they travel to school, and develop a program for making
2 safety improvements.

3 NEW SECTION. **Sec. 3.** The school pathway and bus stop
4 improvement program council is established. Membership on the council
5 shall include two members of the senate, two members of the house of
6 representatives, and representatives from the department of
7 transportation, the office of the superintendent of public instruction,
8 school district administrators, school board members, counties, cities,
9 the traffic safety commission, and parents. The president of the
10 senate shall select the senate members and the speaker of the house of
11 representatives shall select the house of representatives members.
12 Representatives of state agencies shall be selected by the respective
13 agency. Other representatives shall be selected by appropriate state-
14 wide organizations. The council shall select a chair from among its
15 members. Staffing and administrative support shall be provided by the
16 legislative transportation committee.

17 NEW SECTION. **Sec. 4.** (1) The council established in section
18 3 of this act shall:

19 (a) Formulate criteria for identifying the minimum acceptable
20 walkways, bikeways, and school bus stops, and establish minimum design
21 standards for constructing and reconstructing walkways, bikeways, and
22 school bus stops for elementary students;

23 (b) Based on the identification criteria established in (a) of
24 this subsection: (i) Conduct an inventory of existing walkways and
25 bikeways within a two-mile radius of elementary schools that do not
26 meet the criteria; (ii) conduct an inventory of school bus stops; and
27 (iii) identify priority safety improvement projects for those
28 facilities that do not meet the criteria;

1 (c) For priority safety improvement projects, the council shall
2 identify which governmental jurisdictions or other parties should be
3 responsible for the improvements and develop an implementation plan
4 designed to ensure that the projects are funded and constructed;

5 (d) Based on the criteria and standards in (a) of this subsection,
6 formulate recommended guidelines that should be followed to ensure
7 student pedestrian safety within a two-mile radius of new elementary
8 schools. At a minimum, consideration shall be given to school siting
9 guidelines for new schools that incorporate pedestrian safety
10 considerations, construction of pedestrian safety infrastructure
11 improvements within a specified time after new elementary schools are
12 opened, and proposed incentives and enforcement measures to ensure that
13 the safety improvements are completed; and

14 (e) Estimate the cost of implementing state-wide sidewalk crossing
15 rules.

16 (2) By June 30, 1992, the council shall submit its recommendations
17 and findings required in subsection (1) of this section to the
18 appropriate committees of the house of representatives and the senate,
19 the governor, local governments, school districts, and other
20 appropriate agencies and organizations. After July 1, 1992, the
21 council shall provide general oversight, coordination, and assistance
22 to local governments, state agencies, and private parties in the
23 consideration and implementation of the recommendations.

24 **Sec. 5.** RCW 58.17.110 and 1990 1st ex.s. c 17 s 52 are each
25 amended to read as follows:

26 (1) The city, town, or county legislative body shall inquire into
27 the public use and interest proposed to be served by the establishment
28 of the subdivision and dedication. It shall determine: (a) If
29 appropriate provisions are made for, but not limited to, the public

1 health, safety, and general welfare, for open spaces, drainage ways,
2 streets or roads, alleys, other public ways, transit stops, potable
3 water supplies, sanitary wastes, parks and recreation, playgrounds,
4 schools and schoolgrounds, and shall consider all other relevant facts,
5 including sidewalks and other planning features that assure safe
6 walking conditions for students who ((~~only~~)) walk to and from school;
7 and (b) whether the public interest will be served by the subdivision
8 and dedication.

9 (2) A proposed subdivision and dedication shall not be approved
10 unless the city, town, or county legislative body makes written
11 findings that: (a) Appropriate provisions are made for the public
12 health, safety, and general welfare and for such open spaces, drainage
13 ways, streets or roads, alleys, other public ways, school bus and
14 transit stops, potable water supplies, sanitary wastes, parks and
15 recreation, playgrounds, schools and schoolgrounds and all other
16 relevant facts, including sidewalks and other planning features that
17 assure safe walking conditions for students who ((~~only~~)) walk to and
18 from school; and (b) the public use and interest will be served by the
19 platting of such subdivision and dedication. If it finds that the
20 proposed subdivision and dedication make such appropriate provisions
21 and that the public use and interest will be served, then the
22 legislative body shall approve the proposed subdivision and dedication.
23 Dedication of land to any public body, provision of public improvements
24 to serve the subdivision, and/or impact fees imposed under RCW
25 82.02.050 through 82.02.090 may be required as a condition of
26 subdivision approval. Dedications shall be clearly shown on the final
27 plat. No dedication, provision of public improvements, or impact fees
28 imposed under RCW 82.02.050 through 82.02.090 shall be allowed that
29 constitutes an unconstitutional taking of private property. The
30 legislative body shall not as a condition to the approval of any

1 subdivision require a release from damages to be procured from other
2 property owners.

3 **Sec. 6.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
4 amended to read as follows:

5 Unless the context clearly requires otherwise, the following
6 definitions shall apply in RCW 82.02.050 through 82.02.090:

7 (1) "Development activity" means any construction or expansion of
8 a building, structure, or use, any change in use of a building or
9 structure, or any changes in the use of land, that creates additional
10 demand and need for public facilities.

11 (2) "Development approval" means any written authorization from a
12 county, city, or town which authorizes the commencement of development
13 activity.

14 (3) "Impact fee" means a payment of money imposed upon development
15 as a condition of development approval to pay for public facilities
16 needed to serve new growth and development, and that is reasonably
17 related to the new development that creates additional demand and need
18 for public facilities, that is a proportionate share of the cost of the
19 public facilities, and that is used for facilities that reasonably
20 benefit the new development. "Impact fee" does not include a reasonable
21 permit or application fee.

22 (4) "Owner" means the owner of record of real property, although
23 when real property is being purchased under a real estate contract, the
24 purchaser shall be considered the owner of the real property if the
25 contract is recorded.

26 (5) "Proportionate share" means that portion of the cost of public
27 facility improvements that are reasonably related to the service
28 demands and needs of new development.

1 (6) "Project improvements" mean site improvements and facilities
2 that are planned and designed to provide service for a particular
3 development project and that are necessary for the use and convenience
4 of the occupants or users of the project, and are not system
5 improvements. No improvement or facility included in a capital
6 facilities plan approved by the governing body of the county, city, or
7 town shall be considered a project improvement.

8 (7) "Public facilities" means the following capital facilities
9 owned or operated by government entities: (a) Public streets and roads
10 including sidewalks, pathways, and bus stops; (b) publicly owned parks,
11 open space, and recreation facilities; (c) school facilities; and (d)
12 fire protection facilities in jurisdictions that are not part of a fire
13 district.

14 (8) "Service area" means a geographic area defined by a county,
15 city, town, or intergovernmental agreement in which a defined set of
16 public facilities provide service to development within the area.
17 Service areas shall be designated on the basis of sound planning or
18 engineering principles.

19 (9) "System improvements" mean public facilities that are included
20 in the capital facilities plan and are designed to provide service to
21 service areas within the community at large, in contrast to project
22 improvements.

23 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act are
24 each added to chapter 28A.160 RCW.

25 NEW SECTION. **Sec. 8.** Sections 1 through 4 of this act shall
26 expire June 30, 1996.