

SENATE BILL REPORT

SB 6093

As Reported By Senate Committee On:
Government Operations, January 23, 1996

Title: An act relating to sidewalk reconstruction.

Brief Description: Providing for sidewalk reconstruction.

Sponsors: Senators Sheldon, Winsley, Drew, Owen, Prentice and Quigley.

Brief History:

Committee Activity: Government Operations: 1/16/96, 1/23/96 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6093 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Staff: Rod McAulay (786-7754)

Background: Three different statutes authorize cities and towns to either construct, reconstruct, or repair sidewalks and to impose the cost on the abutting landowner. In the case of projects which are less than a block long, the cost imposed on the abutting property owner may not exceed 50 percent of the valuation of the abutting property.

Citizens have raised objections to this authority in cases where the city is responsible, in whole or in part, for the deterioration of a sidewalk. For example, a city may fail to enforce ordinances prohibiting parking of vehicles on sidewalks resulting in the breakdown of the sidewalk surface. It is felt that in such cases, the city or town should bear the cost of reconstruction.

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

Summary of Substitute Bill: In a city or town, an abutting owner cannot be charged with any cost of reconstruction of a sidewalk if reconstruction is required to correct deterioration or damage which results from direct actions of the city or town or from the failure of the city or town to enforce its ordinances. The burden of proof regarding cause of damage is on the abutting property owner.

"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."

Substitute Bill Compared to Original Bill: The substitute bill clarifies the definition of "sidewalk" and clarifies that the burden of proof regarding cause of damage to a sidewalk is on the abutting owner.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Cities are not enforcing parking ordinances prohibiting parking on sidewalks, city construction crews have caused damage to sidewalks, cities plant trees in parking strips which later cause damage. Abutting owners should not have to pay in these cases.

Testimony Against: Cities do currently share the cost and responsibility of maintaining sidewalks. The bill would shift the burden of proof entirely on the city. Sometimes it's difficult to determine who planted old trees or damage caused by third parties.

Testified: Andrew Parypa, citizen, Bremerton; Martin Sutherland, citizen, Tacoma; James Russell, citizen, Olympia; Randy Witt, city engineer, Bremerton; Craig Olson, AWC.