

SENATE BILL 5113

State of Washington

52nd Legislature

1991 Regular Session

By Senators Murray, Skratek, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Snyder and Erwin; by request of Task Force on Student Transp. Safety.

Read first time January 21, 1991. Referred to Committee on Education.

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; making appropriations; and providing an
4 expiration date.

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

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

13 NEW SECTION. **Sec. 2.** The school pathway and bus stop
14 improvement program is hereby created. The purpose of the program is

1 to identify roads, streets, and bus stops that are hazardous to school
2 children as they travel to school, and develop a program for making
3 safety improvements.

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

18 NEW SECTION. **Sec. 4.** (1) The council established in section
19 3 of this act shall:

20 (a) Formulate criteria for identifying roads and school bus stops
21 that are unsafe for elementary school students and establish standards
22 for making safety improvements;

23 (b) Based on the criteria and standards in (a) of this subsection,
24 conduct an inventory of existing unsafe roads within a two-mile radius
25 of elementary schools and unsafe school bus stops, and identify
26 priority safety improvement projects;

27 (c) For priority safety improvement projects, the council shall
28 identify which governmental jurisdictions or other parties should be

1 responsible for the improvements and develop an implementation plan
2 designed to ensure that the projects are funded and constructed;

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

12 (e) Estimate the cost of implementing state-wide sidewalk crossing
13 rules.

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

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

24 (1) The city, town, or county legislative body shall inquire into
25 the public use and interest proposed to be served by the establishment
26 of the subdivision and dedication. It shall determine: (a) If
27 appropriate provisions are made for, but not limited to, the public
28 health, safety, and general welfare, for open spaces, drainage ways,
29 streets or roads, alleys, other public ways, transit stops, potable

1 water supplies, sanitary wastes, parks and recreation, playgrounds,
2 schools and schoolgrounds, and shall consider all other relevant facts,
3 including sidewalks and other planning features that assure safe
4 walking conditions for students who ((~~only~~)) walk to and from school;
5 and (b) whether the public interest will be served by the subdivision
6 and dedication.

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

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

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

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

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

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

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

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

27 (6) "Project improvements" mean site improvements and facilities
28 that are planned and designed to provide service for a particular
29 development project and that are necessary for the use and convenience
30 of the occupants or users of the project, and are not system

1 improvements. No improvement or facility included in a capital
2 facilities plan approved by the governing body of the county, city, or
3 town shall be considered a project improvement.

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

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

15 (9) "System improvements" mean public facilities that are included
16 in the capital facilities plan and are designed to provide service to
17 service areas within the community at large, in contrast to project
18 improvements.

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

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

23 NEW SECTION. **Sec. 9.** (1) The sum of twenty-five thousand
24 dollars, or as much thereof as may be necessary, is appropriated for
25 the biennium ending June 30, 1993, from the general fund to the
26 legislative transportation committee for the purposes of this act.

1 (2) The sum of seventy-five thousand dollars, or as much thereof as
2 may be necessary, is appropriated for the biennium ending June 30,
3 1991, from the motor vehicle fund to the school pathway and bus stop
4 improvement program council for the purposes of this act.