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SENATE BILL 6249

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senator Vognild; by request of Utilities & Transportation Commission

Read first time 01/18/94. Referred to Committee on Transportation.

1            AN ACT Relating to the appointment and recovery of maintenance  
2 costs of railroad crossing protective devices; and amending RCW  
3 81.53.271 and 81.53.281.

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

5            **Sec. 1.** RCW 81.53.271 and 1982 c 94 s 2 are each amended to read  
6 as follows:

7            The petition shall set forth by description the location of the  
8 crossing or crossings, the type of signal or other warning device to be  
9 installed, the necessity from the standpoint of public safety for such  
10 installation, the approximate cost of installation and related work,  
11 and the approximate annual cost of maintenance. If the commission  
12 directs the installation of a grade crossing protective device, and a  
13 federal-aid funding program is available to participate in the costs of  
14 such installation, both installation and maintenance costs of the  
15 device shall be apportioned in accordance with the provisions of RCW  
16 81.53.295. Otherwise if installation is directed by the commission, it  
17 shall apportion the cost of installation (~~and maintenance~~) as  
18 provided in this section:

1 Installation: (1) Sixty percent to the grade crossing protective  
2 fund, created by RCW 81.53.281;

3 (2) Thirty percent to the city, town, county, or state; and

4 (3) Ten percent to the railroad:

5 PROVIDED, That, if the proposed installation is located at a new  
6 crossing requested by a city, town, county, or state, forty percent of  
7 the cost shall be apportioned to the city, town, county, or state, and  
8 none to the railroad. If the proposed installation is located at a new  
9 crossing requested by a railroad, then the entire cost shall be  
10 apportioned to the railroad. In the event the city, town, county, or  
11 state should concurrently petition the commission and secure an order  
12 authorizing the closure of an existing crossing or crossings in  
13 proximity to the crossing for which installation of signals or other  
14 warning devices shall have been directed, the apportionment to the  
15 petitioning city, town, county, or state shall be reduced by ten  
16 percent of the total cost for each crossing ordered closed and the  
17 apportionment from the grade crossing protective fund increased  
18 accordingly. This exception shall not be construed to permit a charge  
19 to the grade crossing protective fund in an amount greater than the  
20 total cost otherwise apportionable to the city, town, county, or state.  
21 No reduction shall be applied where one crossing is closed and another  
22 opened in lieu thereof, nor to crossings of a private nature.

23 Maintenance: (~~((1) Twenty five percent to the grade crossing~~  
24 ~~protective fund, created by RCW 81.53.281; and~~

25 ~~(2) Seventy five percent to the railroad:~~

26 ~~PROVIDED, That if the proposed installation is located at a new~~  
27 ~~crossing requested by a railroad, then the entire cost shall be~~  
28 ~~apportioned to the railroad)) The entire cost of maintenance shall be~~  
29 ~~borne by the railroad.~~

30 **Sec. 2.** RCW 81.53.281 and 1987 c 257 s 1 are each amended to read  
31 as follows:

32 There is hereby created in the state treasury a "grade crossing  
33 protective fund," to which shall be transferred all moneys appropriated  
34 for the purpose of carrying out the provisions of RCW 81.53.261,  
35 81.53.271, 81.53.281, 81.53.291, and 81.53.295. At the time the  
36 commission makes each allocation of cost to said grade crossing  
37 protective fund, it shall certify that such cost shall be payable out  
38 of said fund. When federal-aid highway funds are not involved, the

1 railroad shall, upon completion of the installation of any such signal  
2 or other protective device and related work, present its claim for  
3 reimbursement for the cost of installation and related work from said  
4 fund of the amount allocated thereto by the commission. ~~((The annual  
5 cost of maintenance shall be presented and paid in a like manner.))~~  
6 When federal-aid highway funds are involved, the department of  
7 transportation shall, upon entry of an order by the commission  
8 requiring the installation or upgrading of a grade crossing protective  
9 device, submit to the commission an estimate for the cost of the  
10 proposed installation and related work. Upon receipt of the estimate  
11 the commission shall pay to the department of transportation the  
12 percentage of the estimate specified in RCW 81.53.295, as now or  
13 hereafter amended, to be used as the grade crossing protective fund  
14 portion of the cost of the installation and related work. The  
15 commission is hereby authorized to recover administrative costs from  
16 said fund in an amount not to exceed three percent of the direct  
17 appropriation provided for any biennium, and in the event  
18 administrative costs exceed three percent of the appropriation, the  
19 excess shall be chargeable to regulatory fees paid by railroads  
20 pursuant to RCW 81.24.010.

21 Within ninety days of the end of each fiscal year, the commission  
22 shall report to the legislative transportation committee, and the  
23 senate and house committees on transportation, the status of the grade  
24 crossing protective fund, including revenue sources, fund balances, and  
25 expenditures.

26 ~~((The office of financial management shall direct the state  
27 treasurer to transfer to the motor vehicle fund an amount not to exceed  
28 \$1,331,000 from the grade crossing protective fund for the 1987-89  
29 fiscal biennium.))~~

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