

HOUSE BILL REPORT

2SHB 1081

As Passed House:

March 9, 2009

Title: An act relating to local improvement district financing of railroad crossing protection devices.

Brief Description: Authorizing local improvement district financing of railroad crossing protection devices.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller and Jacks).

Brief History:

Committee Activity:

Local Government & Housing: 1/15/09, 1/22/09 [DPS];

Transportation: 2/10/09, 2/18/09 [DP2S].

Floor Activity

Passed House: 3/9/09, 69-26.

Brief Summary of Second Substitute Bill

- Authorizes a city or town to create a local improvement district for financing the construction, maintenance, and repair of railroad crossing protection devices while exempting property owned by a railroad, railroad company, street railroad, street railroad company, or regional transit authority from levies assessed by such a district.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; and Short.

Staff: Thamas Osborn (786-7129)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 21 members: Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Cox, Driscoll, Eddy, Finn, Flannigan, Herrera, Johnson, Moeller, Rolfes, Sells, Simpson, Springer, Takko, Wallace, Williams and Wood.

Minority Report: Do not pass. Signed by 5 members: Representatives Roach, Ranking Minority Member; Ericksen, Klippert, Kristiansen and Shea.

Staff: David Munnecke (786-7315)

Background:

Cities and towns are granted broad authority to create a local improvement district for the purpose of constructing, reconstructing, or repairing a wide range of publicly owned structures, facilities, and infrastructure, including:

- specified types of public buildings;
- community facilities for recreation, entertainment, and cultural activities;
- bridges and trestles;
- dikes and embankments;
- parks and playgrounds;
- street lighting systems;
- infrastructure for public transportation systems; and
- water and sewer system infrastructure.

A local improvement district may be created by an ordinance passed by the city or town council in accordance with specified statutory procedures. The passage of the ordinance must be in response to either a petition or resolution proposing the creation of the district and which is subject to a public hearing. Under certain circumstances the proceedings necessary to establish a local improvement district must be initiated by the petition of the affected property owners.

The costs of creating a local improvement district are financed, in whole or in part, through special assessments on property that is specially benefited by the improvement.

Summary of Second Substitute Bill:

Authorizes a city or town to create a local improvement district for financing the construction, maintenance, and repair of railroad crossing protection devices. Property owned by a railroad, railroad company, street railroad, street railroad company, or regional transit authority are exempt from levies assessed by such a district.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Local Government & Housing):

(In support of original bill) Cities and towns need the authority to create a local improvement district (LID) for the purpose of constructing railroad crossing protection devices. Railroad companies often do not create adequately protected crossings where they are needed, and cities and towns should have the option of creating a LID for their creation when necessary. Such protection devices are especially important in cities in towns with railroad crossings that are very busy. The key issue in many areas, including Clark County, is that of noise mitigation. In many places trains are required to use their horns at crossings that do not have the requisite crossing protections. If such a crossing has a lot of train traffic, the noise from the horns becomes a significant noise pollution problem. However, if the crossing protection devices meet certain safety standards, trains are not required to use their horns. Railroad crossing protection systems can cost upwards of \$200,000, which makes their funding a major financial burden on cities and town. All the bill does is allow voters the option of deciding whether such a LID should be created.

(Opposed) None.

Staff Summary of Public Testimony (Transportation):

(In support) This legislation creates a tool that can be used by communities throughout the state. There is a great deal of interest in Vancouver regarding the creation of quiet zones, and this tool would be very useful there.

There are currently 18 items in law for which a local improvement district may be created. In order to do so, a sufficient number of property owners need to get together to pay for the improvement. It was never the intention of the sponsors of the legislation to include the railroad property itself in the local improvement districts.

The Burlington Northern Santa Fe Railway was concerned about the inclusion of its property in the local improvement districts that this legislation would allow, since it could be very expensive for the railroad. The substitute bill gets to the underlying purpose of the legislation.

(Opposed) None.

Persons Testifying (Local Government & Housing): Rick Wickman, Identity Clark County; and Mark Brown, City of Vancouver.

Persons Testifying (Transportation): Representative Wallace, prime sponsor; Rick Wickman, Identity Clark County; and Bill Stauffacher, Burlington Northern Santa Fe Railway.

Persons Signed In To Testify But Not Testifying (Local Government & Housing): None.

Persons Signed In To Testify But Not Testifying (Transportation): None.