

CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE HOUSE BILL 1081**

Chapter 435, Laws of 2009

61st Legislature  
2009 Regular Session

RAILROAD CROSSING PROTECTION DEVICES--FINANCING

EFFECTIVE DATE: 07/26/09

Passed by the House March 9, 2009  
Yeas 69 Nays 26

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate April 22, 2009  
Yeas 45 Nays 4

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved May 11, 2009, 2:40 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1081** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

May 11, 2009

**Secretary of State  
State of Washington**

---

**SECOND SUBSTITUTE HOUSE BILL 1081**

---

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Transportation (originally sponsored by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller, and Jacks)

READ FIRST TIME 02/23/09.

1            AN ACT Relating to local improvement district financing of railroad  
2 crossing protection devices; and amending RCW 35.43.040.

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

4            **Sec. 1.** RCW 35.43.040 and 1997 c 452 s 16 are each amended to read  
5 as follows:

6            Whenever the public interest or convenience may require, the  
7 legislative authority of any city or town may order the whole or any  
8 part of any local improvement including but not restricted to those, or  
9 any combination thereof, listed below to be constructed, reconstructed,  
10 repaired, or renewed and landscaping including but not restricted to  
11 the planting, setting out, cultivating, maintaining, and renewing of  
12 shade or ornamental trees and shrubbery thereon; may order any and all  
13 work to be done necessary for completion thereof; and may levy and  
14 collect special assessments on property specially benefited thereby to  
15 pay the whole or any part of the expense thereof, viz:

16            (1) Alleys, avenues, boulevards, lanes, park drives, parkways,  
17 parking facilities, public places, public squares, public streets,  
18 their grading, regrading, planking, replanking, paving, repaving,  
19 macadamizing, remacadamizing, graveling, regravelling, piling, repiling,

1 capping, recapping, or other improvement; if the management and control  
2 of park drives, parkways, and boulevards is vested in a board of park  
3 commissioners, the plans and specifications for their improvement must  
4 be approved by the board of park commissioners before their adoption;

5 (2) Auxiliary water systems;

6 (3) Auditoriums, field houses, gymnasiums, swimming pools, or other  
7 recreational, playground, museum, cultural, or arts facilities or  
8 structures;

9 (4) Bridges, culverts, and trestles and approaches thereto;

10 (5) Bulkheads and retaining walls;

11 (6) Dikes and embankments;

12 (7) Drains, sewers, and sewer appurtenances which as to trunk  
13 sewers shall include as nearly as possible all the territory which can  
14 be drained through the trunk sewer and subsewers connected thereto;

15 (8) Escalators or moving sidewalks together with the expense of  
16 operation and maintenance;

17 (9) Parks and playgrounds;

18 (10) Sidewalks, curbing, and crosswalks;

19 (11) Street lighting systems together with the expense of  
20 furnishing electrical energy, maintenance, and operation;

21 (12) Underground utilities transmission lines;

22 (13) Water mains, hydrants, and appurtenances which as to trunk  
23 water mains shall include as nearly as possible all the territory in  
24 the zone or district to which water may be distributed from the trunk  
25 water mains through lateral service and distribution mains and  
26 services;

27 (14) Fences, culverts, syphons, or coverings or any other feasible  
28 safeguards along, in place of, or over open canals or ditches to  
29 protect the public from the hazards thereof;

30 (15) Roadbeds, trackage, signalization, storage facilities for  
31 rolling stock, overhead and underground wiring, and any other  
32 stationary equipment reasonably necessary for the operation of an  
33 electrified public streetcar line;

34 (16) Systems of surface, underground, or overhead railways,  
35 tramways, buses, or any other means of local transportation except  
36 taxis, and including passenger, terminal, station parking, and related  
37 facilities and properties, and such other facilities as may be  
38 necessary for passenger and vehicular access to and from such terminal,

1 station, parking, and related facilities and properties, together with  
2 all lands, rights-of-way, property, equipment, and accessories  
3 necessary for such systems and facilities;

4 (17) Convention center facilities or structures in cities  
5 incorporated before January 1, 1982, with a population over sixty  
6 thousand located in a county with a population over one million, other  
7 than the city of Seattle. Assessments for purposes of convention  
8 center facilities or structures may be levied only to the extent  
9 necessary to cover a funding shortfall that occurs when funds received  
10 from special excise taxes imposed pursuant to chapter 67.28 RCW are  
11 insufficient to fund the annual debt service for such facilities or  
12 structures, and may not be levied on property exclusively maintained as  
13 single-family or multifamily permanent residences whether they are  
14 rented, leased, or owner occupied; (~~and~~)

15 (18) Programs of aquatic plant control, lake or river restoration,  
16 or water quality enhancement. Such programs shall identify all the  
17 area of any lake or river which will be improved and shall include the  
18 adjacent waterfront property specially benefited by such programs of  
19 improvements. Assessments may be levied only on waterfront property  
20 including any waterfront property owned by the department of natural  
21 resources or any other state agency. Notice of an assessment on a  
22 private leasehold in public property shall comply with provisions of  
23 chapter 79.44 RCW. Programs under this subsection shall extend for a  
24 term of not more than five years; and

25 (19) Railroad crossing protection devices, including maintenance  
26 and repair. Assessments for purposes of railroad crossing protection  
27 devices may not be levied on property owned or maintained by a  
28 railroad, railroad company, street railroad, or street railroad  
29 company, as defined in RCW 81.04.010, or a regional transit authority  
30 as defined in RCW 81.112.020.

Passed by the House March 9, 2009.

Passed by the Senate April 22, 2009.

Approved by the Governor May 11, 2009.

Filed in Office of Secretary of State May 11, 2009.