

2SHB 1081 - S COMM AMD

By Committee on Transportation

ADOPTED 04/09/2009

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

15 (1) Alleys, avenues, boulevards, lanes, park drives, parkways,  
16 parking facilities, public places, public squares, public streets,  
17 their grading, regrading, planking, replanking, paving, repaving,  
18 macadamizing, remacadamizing, graveling, regraveling, piling, repiling,  
19 capping, recapping, or other improvement; if the management and control  
20 of park drives, parkways, and boulevards is vested in a board of park  
21 commissioners, the plans and specifications for their improvement must  
22 be approved by the board of park commissioners before their adoption;

23 (2) Auxiliary water systems;

24 (3) Auditoriums, field houses, gymnasiums, swimming pools, or other  
25 recreational, playground, museum, cultural, or arts facilities or  
26 structures;

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

28 (5) Bulkheads and retaining walls;

29 (6) Dikes and embankments;

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

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

6 (9) Parks and playgrounds;

7 (10) Sidewalks, curbing, and crosswalks;

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

10 (12) Underground utilities transmission lines;

11 (13) Water mains, hydrants, and appurtenances which as to trunk  
12 water mains shall include as nearly as possible all the territory in  
13 the zone or district to which water may be distributed from the trunk  
14 water mains through lateral service and distribution mains and  
15 services;

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

19 (15) Roadbeds, trackage, signalization, storage facilities for  
20 rolling stock, overhead and underground wiring, and any other  
21 stationary equipment reasonably necessary for the operation of an  
22 electrified public streetcar line;

23 (16) Systems of surface, underground, or overhead railways,  
24 tramways, buses, or any other means of local transportation except  
25 taxis, and including passenger, terminal, station parking, and related  
26 facilities and properties, and such other facilities as may be  
27 necessary for passenger and vehicular access to and from such terminal,  
28 station, parking, and related facilities and properties, together with  
29 all lands, rights-of-way, property, equipment, and accessories  
30 necessary for such systems and facilities;

31 (17) Convention center facilities or structures in cities  
32 incorporated before January 1, 1982, with a population over sixty  
33 thousand located in a county with a population over one million, other  
34 than the city of Seattle. Assessments for purposes of convention  
35 center facilities or structures may be levied only to the extent  
36 necessary to cover a funding shortfall that occurs when funds received  
37 from special excise taxes imposed pursuant to chapter 67.28 RCW are  
38 insufficient to fund the annual debt service for such facilities or

1 structures, and may not be levied on property exclusively maintained as  
2 single-family or multifamily permanent residences whether they are  
3 rented, leased, or owner occupied; (~~and~~)

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

14 (19) Railroad crossing protection devices, including maintenance  
15 and repair. Any assessments for maintenance and repair after the  
16 initial indebtedness is retired may be levied only with the approval of  
17 a majority of the property owners within the local improvement  
18 district. Assessments for purposes of railroad crossing protection  
19 devices may not be levied on property owned or maintained by a  
20 railroad, railroad company, street railroad, or street railroad  
21 company, as defined in RCW 81.04.010, or a regional transit authority  
22 as defined in RCW 81.112.020."

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23 On page 1, line 2 of the title, after "devices;" strike the  
24 remainder of the title and insert "and amending RCW 35.43.040."

**EFFECT:** Requires a majority of the property owners within a local  
improvement district to approve assessments for maintenance and repair

after the initial indebtedness related to the railroad grade crossing protection devices is retired.

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