

CHAPTER 77

[Senate Bill No. 2075]

RAILROAD GRADE CROSSING PROTECTION
FUND--APPORTIONMENT REVISION

AN ACT Relating to railroad grade crossings; and amending section 2, chapter 134, Laws of 1969 and RCW 81.53.271.

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

Section 1. Section 2, chapter 134, Laws of 1969 and RCW 81.53.271 are each amended to read as follows:

The petition shall set forth by description the location of the crossing or crossings, the type of signal or other warning device to be installed, the necessity from the standpoint of public safety for such installation, the approximate cost of installation, and the approximate annual cost of maintenance. If installation is directed by the commission, it shall apportion the cost of installation and maintenance as ~~((follows))~~ provided in this section:

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

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

(3) Ten percent to the railroad:

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

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

(2) Seventy-five percent ~~((from))~~ to the railroad:

PROVIDED, That if the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be

apportioned to the railroad.

Passed the Senate March 24, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 78

[Engrossed Senate Bill No. 2096]

SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE

APPORTIONMENT MONEY--PAYMENT AUTHORITY

AN ACT Relating to the powers and duties of the superintendent of public instruction; and amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 105, Laws of 1972 ex. sess. and RCW 28A.41.170; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE WASHINGTON:

Section 1. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 105, Laws of 1972 ex. sess. and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts (~~for the 1974-72 school year~~) to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.
