

## CHAPTER 257

[Engrossed House Bill No. 1123]

RAILROAD GRADE CROSSING PROTECTIVE FUND—CERTAIN MONEYS  
TRANSFERRED TO THE MOTOR VEHICLE FUND

AN ACT Relating to railroad grade crossings; and amending RCW 81.53.281.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 134, Laws of 1969 as last amended by section 509, chapter 405, Laws of 1985 and RCW 81.53.281 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are not involved, the railroad shall, upon completion of the installation of any such signal or other protective device and related work, present its claim for reimbursement for the cost of installation and related work from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work. The commission is hereby authorized to recover administrative costs from said fund in an amount not to exceed three percent of the direct appropriation provided for any biennium, and in the event administrative costs exceed three percent of the appropriation, the excess shall be chargeable to regulatory fees paid by railroads pursuant to RCW 81.24.010.

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

The office of financial management ((may)) shall direct the state treasurer to transfer to the ((general)) motor vehicle fund an amount not to exceed ((~~\$1,200,000~~)) \$1,331,000 from the grade crossing protective fund for the ((~~1983-85~~)) 1987-89 fiscal biennium.

Passed the House March 19, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 5, 1987.

Filed in Office of Secretary of State May 5, 1987.

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## CHAPTER 258

[Substitute House Bill No. 56]

### SURFACE MINING

AN ACT Relating to surface mining; amending RCW 78.44.030 and 78.44.110; and adding a new section to chapter 78.44 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 4, chapter 64, Laws of 1970 ex. sess. as amended by section 1, chapter 215, Laws of 1984 and RCW 78.44.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Surface mining" shall mean all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and including the production of surface mining refuse. Surface mining shall not include on-site processing of minerals such as concrete batching or rock crushing operations. For the purpose of this chapter surface mining shall mean those operations described in this paragraph ((from)) which ((~~more than ten thousand tons of minerals are produced or more than two acres of land is newly disturbed within a period of twelve consecutive calendar months~~)) collectively result in more than three acres of land being disturbed or that result in pit walls more than thirty feet high and steeper than one horizontal to one vertical. Surface mining shall not include disturbances of greater than three acres of land during any time period if the cumulative area that has not been rehabilitated according to the reclamation requirements outlined in this chapter is less than three acres. Surface mining shall not include excavation or removal of sand, gravel, clay, rock, top soil, or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property. Surface mining shall not include excavation or grading conducted for farming, on-site road construction or other on-site construction, but shall include adjacent or off-site borrow pits except those on landowner's property for use on access roads on