

NEW SECTION. Sec. 17. There is added to chapter 57.06 RCW a new section to read as follows:

The holding and exercise of the office of commissioner by persons now serving as members of the first board of commissioners under or in pursuance of such attempted organization, nominated by petition of at least twenty-five percent of the qualified electors of the district, and elected and qualified as otherwise provided by law, is hereby declared legal and valid and of full force and effect.

NEW SECTION. Sec. 18. Sections 15 through 17 of this 1975 amendatory act shall apply only to such districts attempted to be organized under chapter 114, Laws of 1929, and amendments thereto, which have maintained their organization as such since the date of such attempted organization, establishment, or creation, or which have been merged into another municipal corporation.

NEW SECTION. Sec. 19. Sections 7 through 13 of this 1975 amendatory act shall be added to chapter 36.94 RCW.

Passed the Senate May 28, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

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## CHAPTER 189

### [Engrossed Substitute Senate Bill No. 2833] RAILROAD GRADE CROSSING PROTECTIVE DEVICES—FINANCING

AN ACT Relating to railroad grade crossing protective devices; amending section 2, chapter 134, Laws of 1969 as amended by section 1, chapter 77, Laws of 1973 1st ex. sess. and RCW 81.53.271; amending section 3, chapter 134, Laws of 1969 as amended by section 4, chapter 115, Laws of 1973 and RCW 81.53.281; adding a new section to chapter 134, Laws of 1969 and to chapter 81.56 RCW; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 2, chapter 134, Laws of 1969 as amended by section 1, chapter 77, Laws of 1973 1st ex. sess. 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 the commission directs the installation of a grade crossing protective device, the cost of which is eligible for federal aid matching funds of at least sixty percent of the installation costs and such federal funds are used, both installation and maintenance costs of the device shall be apportioned in accordance with the provisions of section 3 of this 1975 amendatory act. Otherwise if installation is directed by the commission, it shall apportion the cost of installation and maintenance as provided in this section:

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

(2) Seventy-five percent 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.

Sec. 2. Section 3, chapter 134, Laws of 1969 as amended by section 4, chapter 115, Laws of 1973 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 and 81.53.291. The amount of any transfer from the motor vehicle fund to the grade crossing protective fund and the amount of any appropriation (exclusive of any reappropriation of funds appropriated in the prior biennium) from the grade crossing protective fund for the installation of grade crossing protective devices in any biennium shall be reduced by an amount equal to sixty percent of the cost of the installation of any such device (installed and apportioned at the direction of the commission pursuant to RCW 81.53.271), and an amount equal to such reduction shall forthwith be transferred back to the motor vehicle fund, whenever the cost of installation is paid in part from federal aid matching funds and the total cost of installation is apportioned in accordance with the provisions of section 3 of this 1975 amendatory act: PROVIDED, That not more than twenty-five percent of the transfer from the motor vehicle fund and the appropriation from the grade crossing protective fund for installation purposes in any biennium shall be reduced as provided in this section as a result of the installation of grade crossing protective devices on any highway, road or street on the federal aid system: PROVIDED FURTHER, That whenever the unobligated balance in the grade crossing protective fund available for the installation of grade crossing protective devices is reduced to \$100,000 in any biennium, the above provisions for reducing the appropriation from said fund and the transfers back to the motor vehicle fund shall be suspended and the \$100,000 remaining in the grade crossing protective

fund shall remain available for expenditure as authorized by appropriation. 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. Upon completion of the installation of any such signal or other protective device, the railroad shall present its claim for reimbursement for the cost of installation 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. 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.

NEW SECTION. Sec. 3. There is added to chapter 134, Laws of 1969 and chapter 81.53 RCW a new section to read as follows:

Whenever federal funds are available and are used to pay a portion of the cost of installing a grade crossing protective device at a railroad crossing of any state highway, city or town street, or county road at the then prevailing federal aid matching rate, the state or local authority having jurisdiction of such highway, street, or road shall pay the remaining cost of such installation. The railroad whose road is crossed by the highway, street, or road shall thereafter pay the entire cost of maintaining the device: PROVIDED, That if such device is installed at the direction of the commission pursuant to RCW 81.53.271 and results in a reduction in the amount of the appropriation to the grade crossing protective fund pursuant to section 2 of this 1975 amendatory act, then the cost of maintaining the device shall be apportioned by the commission:

- (1) twenty-five percent to the grade crossing protective fund, created by RCW 81.53.281, and
- (2) seventy-five percent to the railroad.

NEW SECTION. Sec. 4. This 1975 amendatory 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 July 1, 1975.

Passed the Senate May 27, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

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## CHAPTER 190

[Engrossed Senate Bill No. 2913]

PHYSICIAN'S ASSISTANTS—

MEDICAL PRACTICE INVESTIGATOR

AN ACT Relating to physician's assistants; amending section 1, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.010; amending section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040; and adding a new section.

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