

CHAPTER 94

[Substitute Senate Bill No. 3927]

RAILROAD CROSSING PROTECTIVE DEVICES—FUNDING OF INSTALLATION AND RELATED WORK

AN ACT Relating to railroad crossing protective devices; amending section 1, chapter 134, Laws of 1969 and RCW 81.53.261; amending section 2, chapter 134, Laws of 1969 as last amended by section 1, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53.271; amending section 3, chapter 134, Laws of 1969 as last amended by section 2, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53.281; amending section 3, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53.295; and creating a new section.

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

Section 1. Section 1, chapter 134, Laws of 1969 and RCW 81.53.261 are each amended to read as follows:

Whenever the ~~((director of highways))~~ secretary of transportation or the governing body of any city, town, or county, or any railroad company whose road is crossed by any highway, shall deem that the public safety requires signals or other warning devices, other than sawbuck signs, at any crossing of a railroad at common grade by any state, city, town, or county highway, road, street, alley, avenue, boulevard, parkway, or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the utilities and transportation commission a petition in writing, alleging that the public safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall promptly set the matter for hearing, giving at least twenty days notice to the railroad company or companies and the county or municipality affected thereby, or the ~~((director of highways))~~ secretary of transportation in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall determine from the evidence that public safety does not require the installation of the signal, other warning device or change in the existing warning device specified in the petition, it shall make determinations to that effect and enter an order denying said petition in toto. If the commission shall determine from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said crossing, it shall make determinations to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices. The commission shall also at said hearing apportion the entire cost of installation and maintenance of such signals or

other warning devices, other than sawbuck signs, as provided in RCW 81.53.271: PROVIDED, That upon agreement by all parties to waive hearing, the commission shall forthwith enter its order.

No railroad shall be required to install any such signal or other warning device until the public body involved has either paid or executed its promise to pay to the railroad its portion of the estimated cost thereof.

Nothing in this section shall be deemed to foreclose the right of the interested parties to enter into an agreement, franchise, or permit arrangement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost of installation and maintenance thereof, or compliance with an existing agreement, franchise, or permit arrangement providing for the same.

The hearing and determinations authorized by this section may be instituted by the commission on its own motion, and the proceedings, hearing, and consequences thereof shall be the same as for the hearing and determination of any petition authorized by this section.

No part of the record, or a copy thereof, of the hearing and determination provided for in this section and no finding, conclusion, or order made pursuant thereto shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the commission as a result of any such investigation.

Any order entered by the utilities and transportation commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through 81.04.190, respectively.

Nothing in this section shall be deemed to relieve any railroad from liability on account of failure to provide adequate protective devices at any such crossing.

Sec. 2. Section 2, chapter 134, Laws of 1969 as last amended by section 1, chapter 189, Laws of 1975 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 related work, 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))~~ and a federal-aid funding program is available to participate in the costs of such installation, both installation and maintenance costs of the device shall be apportioned in accordance with the provisions of RCW 81.53.295. 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. 3. Section 3, chapter 134, Laws of 1969 as last amended by section 2, chapter 189, Laws of 1975 1st ex. sess. 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, and 81.53.295. ~~((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 RCW~~

~~81.53.295. 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 one hundred thousand dollars 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 one hundred thousand dollars 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. When federal-aid highway funds are not involved, the railroad shall, upon completion of the installation of any such signal or other protective device(, the railroad shall) 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.

Sec. 4. Section 3, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53.295 are each amended to read as follows:

Whenever federal-aid highway funds are available and are used to pay a portion of the cost of installing a grade crossing protective device, and related work, at a railroad crossing of any state highway, city or town street, or county road at the then prevailing federal-aid matching rate, the grade crossing protective fund shall pay ten percent of the remaining cost of such

installation and related work. The state or local authority having jurisdiction of such highway, street, or road shall pay the balance of the remaining cost of such installation and related work. 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 RCW 81.53.281, 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. 5. The provisions of this act shall not apply to those petitions acted upon by the commission prior to the effective date of this 1982 amendatory act.

Passed the Senate March 8, 1982.

Passed the House March 5, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 95

[Engrossed Substitute Senate Bill No. 4115]

ALIEN BANKS—POWERS—LOANS, DEPOSITS—AUDITS— INTERNATIONAL BANKING FACILITY TAX EXEMPTION

AN ACT Relating to international banking and commerce; amending section 7, chapter 53, Laws of 1973 1st ex. sess. as amended by section 6, chapter 106, Laws of 1979 and RCW 30.42.070; amending section 12, chapter 53, Laws of 1973 1st ex. sess. as amended by section 2, chapter 285, Laws of 1975 1st ex. sess. and RCW 30.42.120; amending section 14, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.140; adding new sections to chapter 30.42 RCW; adding a new section to chapter 82.04 RCW; repealing section 11, chapter 53, Laws of 1973 1st ex. sess., section 1, chapter 285, Laws of 1975 1st ex. sess. and RCW 30.42.110; declaring an emergency; and providing an effective date.

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

Section 1. Section 7, chapter 53, Laws of 1973 1st ex. sess. as amended by section 6, chapter 106, Laws of 1979 and RCW 30.42.070 are each amended to read as follows:

The capital allocated as required in RCW 30.42.060(3) shall be maintained within this state at all times in cash or in supervisor approved interest bearing bonds, notes, debentures, or other obligations: (1) Of the United States or of any agency or instrumentality thereof, or guaranteed by the United States; or (2) of this state, or of a city, county, town, or other municipal corporation, or instrumentality of this state or guaranteed by this state, or such other assets as the supervisor may approve. Such capital shall be deposited with a bank qualified to do business in and having its principal