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**SUBSTITUTE SENATE BILL 5113**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Murray, Skratek, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Snyder and Erwin; by request of Task Force on Student Transp. Safety).

Read first time February 13, 1991.

1 AN ACT Relating to student pedestrian safety; amending RCW  
2 58.17.110 and 82.02.090; adding new sections to chapter 28A.160 RCW;  
3 creating a new section; making appropriations; and providing an  
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the number of  
7 motor vehicles on the roads of the state has increased dramatically in  
8 recent years, and that this increase has created unsafe conditions for  
9 many of our children as they travel to and from school. The  
10 legislature further finds that responsibility to ensure safe walking  
11 conditions and bus stops for our children is fragmented, and that  
12 inadequate resources have been devoted to improving pedestrian safety.

13 NEW SECTION. **Sec. 2.** The school pathway and bus stop  
14 improvement program is hereby created. The purpose of the program is

1 to establish a council to make recommendations about roads, streets,  
2 and bus stops that the council considers inadequate for school children  
3 as they travel to school, and develop a program for making safety  
4 improvements.

5 NEW SECTION. **Sec. 3.** The school pathway and bus stop  
6 improvement program council is established. Membership on the council  
7 shall include two members of the senate, two members of the house of  
8 representatives, and representatives from the department of  
9 transportation, the office of the superintendent of public instruction,  
10 school district administrators, school board members, counties, cities,  
11 the traffic safety commission, and parents. The president of the  
12 senate shall select the senate members and the speaker of the house of  
13 representatives shall select the house of representatives members.  
14 Representatives of state agencies shall be selected by the respective  
15 agency. Other representatives shall be selected by appropriate state-  
16 wide organizations. The council shall select a chair from among its  
17 members. Staffing and administrative support shall be provided by the  
18 legislative transportation committee.

19 NEW SECTION. **Sec. 4.** (1) The council established in section  
20 3 of this act shall:

21 (a) Formulate criteria for identifying roads and school bus stops  
22 that the council considers inadequate for elementary school students  
23 and establish recommendations for standards for making safety  
24 improvements;

25 (b) Based on the criteria and standards in (a) of this subsection,  
26 inventory those roads within a two-mile radius of elementary schools  
27 and those school bus stops considered inadequate by the council, and  
28 recommend priority safety improvement projects;

1 (c) Develop a plan by which the recommended priority safety  
2 improvement projects may be implemented, and make the plan available to  
3 applicable local jurisdictions;

4 (d) Based on the criteria and standards in (a) of this subsection,  
5 formulate recommended guidelines for student pedestrian safety within  
6 a two-mile radius of new elementary schools. At a minimum, the council  
7 shall develop recommended guidelines for incorporating pedestrian  
8 safety considerations into school siting decisions, constructing  
9 pedestrian safety infrastructure improvements within a specified time  
10 after new elementary schools are opened, and creating incentives and  
11 enforcement measures to ensure that the safety improvements are  
12 completed; and

13 (e) Estimate the cost of implementing state-wide sidewalk crossing  
14 rules.

15 (2) By June 30, 1992, the council shall submit its recommendations  
16 and findings required in subsection (1) of this section to the  
17 appropriate committees of the house of representatives and the senate,  
18 the governor, local governments, school districts, and other  
19 appropriate agencies and organizations. After July 1, 1992, the  
20 council shall provide general oversight, coordination, and assistance  
21 to local governments, state agencies, and private parties in the  
22 consideration and implementation of the recommendations.

23 (3) The recommendations of the council are advisory only and shall  
24 not constitute proof of an actual unsafe condition.

25 (4) Local jurisdictions may adopt, in whole or in part, the  
26 recommendations of the council.

27 **Sec. 5.** RCW 58.17.110 and 1990 1st ex.s. c 17 s 52 are each  
28 amended to read as follows:

1           (1) The city, town, or county legislative body shall inquire into  
2 the public use and interest proposed to be served by the establishment  
3 of the subdivision and dedication. It shall determine: (a) If  
4 appropriate provisions are made for, but not limited to, the public  
5 health, safety, and general welfare, for open spaces, drainage ways,  
6 streets or roads, alleys, other public ways, transit stops, potable  
7 water supplies, sanitary wastes, parks and recreation, playgrounds,  
8 schools and schoolgrounds, and shall consider all other relevant facts,  
9 including sidewalks and other planning features that assure safe  
10 walking conditions for students who ((~~only~~)) walk to and from school;  
11 and (b) whether the public interest will be served by the subdivision  
12 and dedication.

13           (2) A proposed subdivision and dedication shall not be approved  
14 unless the city, town, or county legislative body makes written  
15 findings that: (a) Appropriate provisions are made for the public  
16 health, safety, and general welfare and for such open spaces, drainage  
17 ways, streets or roads, alleys, other public ways, school bus and  
18 transit stops, potable water supplies, sanitary wastes, parks and  
19 recreation, playgrounds, schools and schoolgrounds and all other  
20 relevant facts, including sidewalks and other planning features that  
21 assure safe walking conditions for students who ((~~only~~)) walk to and  
22 from school; and (b) the public use and interest will be served by the  
23 platting of such subdivision and dedication. If it finds that the  
24 proposed subdivision and dedication make such appropriate provisions  
25 and that the public use and interest will be served, then the  
26 legislative body shall approve the proposed subdivision and dedication.  
27 Dedication of land to any public body, provision of public improvements  
28 to serve the subdivision, and/or impact fees imposed under RCW  
29 82.02.050 through 82.02.090 may be required as a condition of  
30 subdivision approval. Dedications shall be clearly shown on the final

1 plat. No dedication, provision of public improvements, or impact fees  
2 imposed under RCW 82.02.050 through 82.02.090 shall be allowed that  
3 constitutes an unconstitutional taking of private property. The  
4 legislative body shall not as a condition to the approval of any  
5 subdivision require a release from damages to be procured from other  
6 property owners.

7 **Sec. 6.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
8 amended to read as follows:

9 Unless the context clearly requires otherwise, the following  
10 definitions shall apply in RCW 82.02.050 through 82.02.090:

11 (1) "Development activity" means any construction or expansion of  
12 a building, structure, or use, any change in use of a building or  
13 structure, or any changes in the use of land, that creates additional  
14 demand and need for public facilities.

15 (2) "Development approval" means any written authorization from a  
16 county, city, or town which authorizes the commencement of development  
17 activity.

18 (3) "Impact fee" means a payment of money imposed upon development  
19 as a condition of development approval to pay for public facilities  
20 needed to serve new growth and development, and that is reasonably  
21 related to the new development that creates additional demand and need  
22 for public facilities, that is a proportionate share of the cost of the  
23 public facilities, and that is used for facilities that reasonably  
24 benefit the new development. "Impact fee" does not include a reasonable  
25 permit or application fee.

26 (4) "Owner" means the owner of record of real property, although  
27 when real property is being purchased under a real estate contract, the  
28 purchaser shall be considered the owner of the real property if the  
29 contract is recorded.

1 (5) "Proportionate share" means that portion of the cost of public  
2 facility improvements that are reasonably related to the service  
3 demands and needs of new development.

4 (6) "Project improvements" mean site improvements and facilities  
5 that are planned and designed to provide service for a particular  
6 development project and that are necessary for the use and convenience  
7 of the occupants or users of the project, and are not system  
8 improvements. No improvement or facility included in a capital  
9 facilities plan approved by the governing body of the county, city, or  
10 town shall be considered a project improvement.

11 (7) "Public facilities" means the following capital facilities  
12 owned or operated by government entities: (a) Public streets and roads  
13 including sidewalks, pathways, and bus stops; (b) publicly owned parks,  
14 open space, and recreation facilities; (c) school facilities; and (d)  
15 fire protection facilities in jurisdictions that are not part of a fire  
16 district.

17 (8) "Service area" means a geographic area defined by a county,  
18 city, town, or intergovernmental agreement in which a defined set of  
19 public facilities provide service to development within the area.  
20 Service areas shall be designated on the basis of sound planning or  
21 engineering principles.

22 (9) "System improvements" mean public facilities that are included  
23 in the capital facilities plan and are designed to provide service to  
24 service areas within the community at large, in contrast to project  
25 improvements.

26 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act are  
27 each added to chapter 28A.160 RCW.

1        NEW SECTION.    **Sec. 8.**        Sections 1 through 4 of this act shall  
2 expire June 30, 1996.

3        NEW SECTION.    **Sec. 9.**        (1) The sum of twenty-five thousand  
4 dollars, or as much thereof as may be necessary, is appropriated for  
5 the biennium ending June 30, 1993, from the general fund to the  
6 legislative transportation committee for the purposes of this act.

7        (2) The sum of seventy-five thousand dollars, or as much thereof as  
8 may be necessary, is appropriated for the biennium ending June 30,  
9 1993, from the motor vehicle fund to the school pathway and bus stop  
10 improvement program council for the purposes of this act.