

SENATE BILL REPORT

SB 6511

AS OF FEBRUARY 1, 1994

Brief Description: Prohibiting indemnification or liability insurance requirements of persons with long-time private crossings.

SPONSORS: Senators Morton and Deccio

SENATE COMMITTEE ON TRANSPORTATION

Staff: Jeff Doyle (786-7322)

Hearing Dates: February 2, 1994

BACKGROUND:

Federal Railroad Administration data indicates that there are 3,225 private railroad crossings in Washington State. Unlike public crossings which are regulated by UTC, private crossings are not subject to state regulation, and typically exist only by agreement between the railroad and the landowner.

Many of the private crossings that exist, particularly in eastern Washington, serve to connect a parcel of land that has been divided in half by a railroad right of way. These private crossings are sometimes necessary to allow farm equipment to pass from one side of the railroad to the other, enabling the landowner to farm both sides of the land.

Recently, Burlington-Northern Railroad (BN) has begun requiring permits from landowners for continued use of private crossings. In order to be issued a permit from BN, the landowner must (1) pay an application fee of \$100; (2) pay BN for materials to construct the crossing (BN supplies the labor); (3) pay BN maintenance costs; and (4) obtain liability insurance for the crossing.

SUMMARY:

Railroad operators may not require persons owning land on both sides of the railroad to purchase liability insurance for the private crossing where: (1) the crossing has been used continuously since at least 1984; (2) the use of the crossing has been apparent to the railroad operator; and (3) the crossing is reasonably necessary to access the land.

A private crossing is "reasonably necessary" if a substitute crossing cannot be accessed without unreasonable expense, difficulty or delay.

Appropriation: none

Revenue: none

Fiscal Note: none requested