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HOUSE BILL 2607

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Curtis and Haler

Read first time 01/11/2006. Referred to Committee on Local Government.

1            AN ACT Relating to vacation of county roads with access to bodies  
2 of water; amending RCW 36.87.130; creating a new section; and declaring  
3 an emergency.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that the purpose of  
6 RCW 36.87.130 is to preserve for the public, for recreational or other  
7 purposes, existing access to bodies of salt or fresh water. Counties  
8 have no discretion regarding vacating all or part of a dedicated right  
9 of way regardless of whether it provides public access to a body of  
10 water. Therefore, certain rights of way encumber private property  
11 while not providing any existing public access to a body of water. It  
12 is the intent of this act to enhance the ability of counties to balance  
13 the need to protect and preserve existing public access to bodies of  
14 water while providing counties the ability to vacate rights of way so  
15 long as doing so does not undermine or eliminate such access.

16            **Sec. 2.** RCW 36.87.130 and 1969 ex.s. c 185 s 7 are each amended to  
17 read as follows:

1       (1) No county shall vacate a county road or part thereof which  
2 abuts on a body of salt or fresh water unless:

3       (a) The purpose of the vacation is to enable any public authority  
4 to acquire the vacated property for port purposes, boat moorage or  
5 launching sites, or for park, viewpoint, recreational, educational or  
6 other public purposes, or unless the property is zoned for industrial  
7 uses; or

8       (b) The board by resolution adopted pursuant to this chapter  
9 determines that:

10       (i) The road or any part thereof is not necessary for port  
11 purposes, boat moorage or launching sites, or for park, viewpoint,  
12 recreational, educational, or other public purposes; and

13       (ii) Vacating the county road or portion thereof does not undermine  
14 or eliminate existing public access to bodies of salt or fresh water.

15       NEW SECTION. Sec. 3. If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

19       NEW SECTION. Sec. 4. This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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