

FINAL BILL REPORT

SSB 6558

C 82 L 10
Synopsis as Enacted

Brief Description: Concerning petitions for administrative review of railroad crossing closures.

Sponsors: Senate Committee on Transportation (originally sponsored by Senator Haugen).

Senate Committee on Transportation
House Committee on Transportation

Background: The Utilities and Transportation Commission (UTC) is responsible for approving the opening and closing of railroad crossings and changes to the configuration of railroad crossings. If a local jurisdiction would like to close, open, or alter a railroad crossing within its boundaries, it can file a petition with the UTC. Similarly, if a railroad company wishes to close, open, or alter the crossing between its railroad tracks and a highway, it must file a petition with the UTC. If the existing or proposed crossing is on a state road or highway, the petition may be filed by the Secretary of Transportation (Secretary) or the State Parks and Recreation Commission. The UTC must hold a hearing, unless a hearing is not required under statute, as part of an administrative proceeding to allow affected parties to be heard. At the conclusion of the hearing, the UTC may issue a final order on the petition.

The State Environmental Policy Act (SEPA) review is required for a broad range of actions at all levels of state and local government. Under SEPA, an environmental impact statement is required for any major action having a probable significant adverse environmental impact. The environmental impact statement is an analysis of the adverse environmental impacts. A lead agency is designated for most proposed actions. The lead agency is responsible for ensuring adequate environmental analysis is done and the SEPA procedural requirements are met.

Most railroad crossing closure actions require SEPA review, and the UTC considers the outcome of the review before issuing its final order. The lead SEPA agency is not always a party in closure actions.

Summary: The Secretary may file the petition for closure of a railroad crossing when the closure is adjacent to a Department of Transportation (DOT)-managed project that receives state funding and the closure is part of the project. If another entity files a petition for closure in such a case, the Secretary must intervene if the petition is contested. If DOT is not the lead SEPA agency, the lead SEPA agency must intervene if the closure is contested.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Secretary must be given proper notice of a hearing on a petition for closure when the closure is adjacent to a DOT-managed project that receives state funding, and the closure is part of the project.

Votes on Final Passage:

Senate 47 0

House 98 0

Effective: June 10, 2010