
Local Government Committee

SSB 6152

Brief Description: Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Rivers and Takko).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Authorizes a county to vacate a county road in certain instances when it is for the protection of public safety and provides access to a mainline railroad bridge creating a public safety hazard.

Hearing Date: 2/20/18

Staff: Yvonne Walker (786-7841).

Background:

Authorization for a County to Vacate and Abandon a County Road.

A board of county commissioners (board) may vacate and abandon a county road upon the entry of a resolution finding that the road or any part thereof is "useless." The entry of such a resolution must be consistent with specified substantive and procedural requirements, which include:

- At the direction of the board, the county road engineer must conduct a study of the proposed road abandonment, make specified factual findings, and then make a recommendation as to whether the road should be abandoned.
- After meeting specified public notice requirements, the board must conduct a public hearing on the proposed abandonment, during which the board must consider the report of the county road engineer and any other evidence presented regarding the proposal.
- Based upon the evidence presented at the public hearing, the board may authorize the abandonment of the road upon a finding that: (1) the road is not useful; and (2) the public will benefit by the abandonment of the road.

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.

These procedural steps may be initiated either by the resolution of the board or by a petition presented to the board by a majority of those owning the frontage on the portion of the road subject to the abandonment proposal.

General Prohibition Against the Abandonment of Waterfront Roadways.

A county, however, may not abandon a county road that abuts a body of fresh or salt water, unless the property is zoned for industrial uses or the purpose of the abandonment is to enable a public authority to acquire the vacated property for specified purposes, including:

- port purposes;
- boat moorage or launching sites; or
- for parks, viewpoints, recreation, educational, or other public purposes.

Summary of Bill:

A county may vacate and abandon all or part of a county road that abuts a body of water provided it is for the protection of public safety when the county road ends on private property and part of the private property provides access to a mainline railroad bridge creating a public safety hazard.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.