

HOUSE BILL REPORT

SSB 6152

As Reported by House Committee On:
Local Government

Title: An act relating to 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.

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).

Brief History:

Committee Activity:

Local Government: 2/20/18, 2/21/18 [DP].

Brief Summary of Substitute Bill

- Authorizes a county to vacate a county road in certain instances when it is for the protection of public safety and it provides access to a mainline railroad bridge creating a public safety hazard.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson, Peterson and Taylor.

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:

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- 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.

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.

Staff Summary of Public Testimony:

(In support) There is private property in Clark County that abuts property owned by the BNSF Railway Company (BNSF) and a river. Throughout the years there have been numerous safety issues and deaths that have occurred on the railroad tracks that run through this property. Although the BNSF has put a gate up on their property, people are now

walking on the railroad bridge or driving on privately-owned property to try to access the water.

In the early days of statehood, the state made it difficult for counties to vacate roads that abut water in order to try to preserve potential locations for public ports. It is a different world now. Today there are approximately six or seven points of public access to the river within a quarter mile without using this private property. The bill provides an extremely narrow exception for when a county can vacate a county road. This bill will help mitigate the damage that people are doing to the privately-owned property while maintaining safety on both the private farmland property and the railroad property.

(Opposed) None.

Persons Testifying: Senator Rivers, prime sponsor; and Bill Clarke.

Persons Signed In To Testify But Not Testifying: None.