

# SENATE BILL REPORT

## SB 6152

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As Reported by Senate Committee On:  
Local Government, January 25, 2018

**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:** Senators Rivers and Takko.

**Brief History:**

**Committee Activity:** Local Government: 1/16/18, 1/25/18 [DPS].

**Brief Summary of First Substitute Bill**

- Allows a county to vacate a county road that abuts a body of water in a certain public safety circumstance.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass.

Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel and Liias.

**Staff:** Greg Vogel (786-7413)

**Background:** A road or street vacation is the termination of the public interest in a right-of-way and extinguishes the easement for public travel that is represented by the right-of-way. When a county road, or any part of it, is considered useless, the board of county commissioners (board) may, by resolution, declare its intention to vacate and abandon the road or portion of road and direct the county road engineer to report on the vacation and abandonment. Alternatively, owners of the majority of the frontage on any county road or portion of road may petition the board to vacate and abandon the road or portion of road. The petition must show the land owned by each petitioner and declare that the county road or portion of road is useless and that the public will benefit from its vacation and abandonment.

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*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.*

When directed by the board, the county road engineer must examine any county road or portion of road proposed to be vacated and abandoned and report the county road engineer's opinion as to whether the road should be: (1) vacated and abandoned; (2) whether the road is in use or has been in use; (3) the condition of the road; (4) whether it is advisable to preserve it for the county road system in the future; and (5) whether the public will be benefited by the vacation and abandonment. The board must schedule a hearing to consider the engineer's report, together with any evidence for, or objection against, vacation and abandonment. If the county road is found useful as a part of the county road system, it shall not be vacated. If it is found not useful and the public will be benefited by the vacation, the board may vacate the road or portion of road.

However, no county may vacate a county road or portion of road which abuts a body of water unless the purpose of the vacation is to enable a public authority to acquire the vacated property for port purposes; boat moorage or launching sites; for park, viewpoint, recreational, educational or other public purposes; or unless the property is zoned for industrial uses.

**Summary of Bill (First Substitute):** A county may vacate a county road or part thereof which abuts on a body of salt or freshwater 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.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):** Narrows the exception to 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.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: There have been multiple deaths on the railroad line that runs near the road. Staff at a nearby farm have been assaulted. There has been tons of aluminum that has appeared along the road. However, there is no infrastructure to handle all these issues. The responsibility of maintenance has been pushed on the nearby farm and the road exists way beyond normal patrol areas, taking over 40 minutes for police to respond. Most recently, a drunk driver took out a telephone pole and farm workers were almost seriously injured trying to rescue cows.

CON: These roadways are critical for public access to waterways in the state. The organization is sympathetic to local issues, but want to make sure that the solution does not inadvertently affect places important for access to waterways. As an alternative to the

language considered, the group would like to have the opportunity to work with the sponsors on site-specific solutions.

**Persons Testifying:** PRO: Senator Ann Rivers, Prime Sponsor; David Morgan, citizen.

CON: Thomas O'Keefe, American Whitewater.

**Persons Signed In To Testify But Not Testifying:** No one.