

FINAL BILL REPORT

SB 5613

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Synopsis as Enacted

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, Schoesler, Becker, Brown, Short, Warnick, Wilson, L. and Fortunato.

Senate Committee on Local Government
House Committee on Local Government

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 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 the county road or portion of road is useless and the public will benefit from its vacation and abandonment.

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:

- whether the road should be vacated and abandoned;
- whether the road is in use or has been in use;
- on the condition of the road;
- whether it is advisable to preserve it for the county road system in the future; and
- whether the public will benefit from 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 benefit 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; for boat moorage or launching sites; for park, viewpoint,

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recreational, educational or other public purposes; or unless the property is zoned for industrial uses.

Summary: Until December 31, 2023, a county with a population over 450,000, located west of the crest of the Cascade Mountains and bordered by the Columbia River, may vacate a county road that abuts a body of water, if the county determines:

- the road has been used as an access point to trespass onto private property;
- such trespass has caused loss of human life and public use of the county road creates an ongoing risk to public safety; and
- public access to the same body of water abutting the county road is available at not less than three public access sites within two miles in any direction of the terminus of the road subject to vacation.

Votes on Final Passage:

2019 Regular Session

Senate 47 0

2020 Regular Session

Senate 45 0

House 93 3 (House amended)

Senate 48 0 (Senate concurred)

Effective: June 11, 2020