

SENATE BILL REPORT

SB 5613

As Amended by House, March 3, 2020

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

Brief History:

Committee Activity: Local Government: 2/12/19 [DP].

Floor Activity:

Passed Senate: 2/20/19, 47-0; 1/24/20, 45-0.

Passed House: 3/03/20, 93-3.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows a county to vacate a county road abutting a body of water in certain public safety circumstances.
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SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford.

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 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

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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 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 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; 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: 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.

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: PRO: This bill has to do with a railroad bridge located near a family-owned and managed farm on the Lewis River. There have been deaths and other huge problems caused by the railroad bridge located near the farm. Clark County supports vacating this portion of road, but since it's close to the water, it is prevented by statute. In 2009, a father and two kids were killed on the bridge. In 2012, there were also two fatalities. A gate was put on the property, but this does not solve the problem in the long-term.

Persons Testifying: PRO: Bill Clarke, For David Morgan; David Morgan, Plas Newydd LLC.

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

EFFECT OF HOUSE AMENDMENT(S): Authorizes a county with a population over 450,000, located west of the crest of the Cascade Mountains and bordered by the Columbia River, until December 31, 2023, to 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.