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## Transportation Committee

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### SSB 6558

**Brief Description:** Concerning petitions for administrative review of railroad crossing closures.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senator Haugen).

#### Brief Summary of Substitute Bill

- Allows the Washington State Department of Transportation (WSDOT) to file a petition for closure of a railroad crossing when the closure is part of a state-funded project.
- Requires the WSDOT, and the lead agency for State Environmental Policy Act purposes if that is not the WSDOT, to intervene if a railroad crossing closure is contested.
- Requires notice to the WSDOT if a railroad crossing closure petition is filed for a crossing adjacent to a WSDOT project and closure is a part of the project.

**Hearing Date:** 2/22/10

**Staff:** David Munnecke (786-7315).

#### Background:

The Utilities and Transportation Commission (UTC) is responsible for approving the opening and closing of railroad crossings and changes to the configuration of railroad crossings. If a local jurisdiction would like to close, open, or alter a railroad crossing within its boundaries, it can file a petition to do so with the UTC. Similarly, if a railroad company wishes to close, open, or alter a crossing of its railroad tracks by a highway, it must file a petition with the UTC. If the existing or proposed crossing is on a state road or highway, the petition may be filed by the Secretary of Transportation (Secretary) or the State Parks and Recreation Commission. The UTC must hold a hearing, unless a hearing is not required due to a lack of objections, as part of an administrative proceeding to allow affected parties to be heard. At the conclusion of the hearing, the UTC may issue a final order on the petition.

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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.*

A State Environmental Policy Act (SEPA) review is required for a broad range of actions at all levels of state and local government. Under SEPA, an environmental impact statement is required for any major action having a probable significant adverse environmental impact. A lead agency is designated for most proposed actions, that lead agency is responsible for ensuring adequate environmental analysis is done and the SEPA procedural requirements are met.

Most railroad crossing closure actions require SEPA review, and the UTC considers the outcome of the review before issuing its final order. The lead SEPA agency is not always a party in closure actions.

**Summary of Bill:**

The Secretary of the Washington State Department of Transportation (WSDOT) may file the petition for closure of a railroad crossing when the closure is adjacent to a WSDOT-managed project that receives state funding and the closure is part of the project. If another entity files a petition for closure in such a case, the Secretary must intervene if the petition is contested. If WSDOT is not the lead SEPA agency, the lead SEPA agency must also intervene if the closure is contested.

The Secretary must be given proper notice of a hearing on a petition for closure when the closure is adjacent to a WSDOT-managed project that receives state funding, and the closure is part of the project.

**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.