

HOUSE BILL REPORT

SSB 6558

As Passed House:
March 3, 2010

Title: An act relating to petitions for administrative review of railroad crossing closures.

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

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

Brief History:

Committee Activity:

Transportation: 2/22/10, 2/24/10 [DP].

Floor Activity:

Passed House: 3/3/10, 98-0.

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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 27 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

Staff: David Munnecke (786-7315).

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.

Background:

The Washington 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.

A State Environmental Policy Act (SEPA) review is required for a broad range of actions at all levels of state and local government. Under the 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 a 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 the WSDOT is not the lead SEPA agency, the lead SEPA agency must also intervene if the closure is contested.

The Secretary of WSDOT 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.

Staff Summary of Public Testimony:

(In support) A citizen can oppose a crossing closure, and any hearing that occurs regarding a crossing closure occurs under the Administrative Procedures Act and in front of an administrative law judge. This bill would help with the timeliness of the process because all the parties to the closure are not necessarily present under the current process, and this bill would bring those parties into the process. This bill would also involve the designated agency under the SEPA, which would prevent delays in obtaining necessary SEPA documents.

(Opposed) None.

Persons Testifying: David Danner, Washington Utilities and Transportation Commission.

Persons Signed In To Testify But Not Testifying: None.