

# HOUSE BILL REPORT

## HB 2665

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to streamlining the process for the vacation of roads by counties.

**Brief Description:** Streamlining the process for the vacation of roads by counties.

**Sponsors:** Representative Parker.

**Brief History:**

**Committee Activity:**

Local Government: 1/27/12 [DP].

**Brief Summary of Bill**

- Deletes requirements obligating county legislative authorities and hearing officers to consider reports of county road engineers during road vacation and abandonment proceedings.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 8 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Rodne, Smith, Springer and Upthegrove.

**Minority Report:** Do not pass. Signed by 1 member: Representative Tharinger.

**Staff:** Ethan Moreno (786-7386).

**Background:**

When a county road or road segment is considered useless, the county legislative authority may, by resolution, declare its intention to vacate and abandon the road. In addition to the county-initiated vacation action, the owners of the majority of the frontage on any county road may petition the county legislative authority to vacate and abandon all or part of a road.

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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.*

Upon initiation of road vacation proceedings, the county legislative authority must direct the county road engineer to issue a report analyzing the proposed vacation and abandonment. The county engineer's report must include his or her opinion on:

- whether the road should be vacated and abandoned;
- the condition of the road and whether it is or has been in use;
- whether it would be advisable to preserve the road for the county's future road system; and
- whether the public will benefit from the road vacation or abandonment.

After satisfying public notice requirements, the county legislative authority must conduct a public hearing on the proposed road vacation and abandonment, during which it must consider the county road engineer's report and any evidence for, or objection against, the vacation and abandonment. Alternatively, rather than conducting the public hearing, the county legislative authority may instead appoint a hearing officer to conduct a public hearing, consider the engineer's report, and take testimony and evidence relating to the proposed vacation. If, following the conclusion of the public hearing, the county legislative authority determines that the road is not useful and that the public will benefit from the vacation, it may authorize the vacation and abandonment.

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**Summary of Bill:**

Requirements obligating county legislative authorities and hearing officers to consider reports of county road engineers during road vacation and abandonment proceedings are deleted.

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**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) The county road engineer's report will still be produced and considered by county commissioners during the road vacation and abandonment process, but this bill will allow the commissioners to examine a broader scope of factors when making their determination on the proposal.

(Opposed) None.

**Persons Testifying:** Mike Burgess, Spokane County.

**Persons Signed In To Testify But Not Testifying:** None.