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**SUBSTITUTE SENATE BILL 6558**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By Senate Transportation (originally sponsored by Senator Haugen)**

READ FIRST TIME 02/03/10.

1       AN ACT Relating to petitions for administrative review of railroad  
2 crossing closures; and amending RCW 81.53.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 81.53.060 and 1984 c 7 s 374 are each amended to read  
5 as follows:

6       The mayor and city council, or other governing body of any city or  
7 town, or the legislative authority of any county within which there  
8 exists any under-crossing, over-crossing, or grade crossing, or where  
9 any street or highway is proposed to be located or established across  
10 any railroad, or any railroad company whose road is crossed by any  
11 highway, may file with the commission their or its petition in writing,  
12 alleging that the public safety requires the establishment of an under-  
13 crossing or over-crossing, or an alteration in the method and manner of  
14 an existing crossing and its approaches, or in the style and nature of  
15 construction of an existing over-crossing, under-crossing, or grade  
16 crossing, or a change in the location of an existing highway or  
17 crossing, the closing or discontinuance of an existing highway  
18 crossing, and the diversion of travel thereon to another highway or  
19 crossing, or if not practicable, to change the crossing from grade or

1 to close and discontinue the crossing, the opening of an additional  
2 crossing for the partial diversion of travel, and praying that this  
3 relief may be ordered. If the existing or proposed crossing is on a  
4 state road, highway, or parkway, the petition may be filed by the  
5 secretary of transportation or the state parks and recreation  
6 commission. If the existing crossing is adjacent to a project funded  
7 in part or in full by the state of Washington and managed by the  
8 department of transportation, and closure of the crossing is part of  
9 the project, the petition may be filed by the secretary of  
10 transportation or the secretary's designee, or if the petition is filed  
11 by another entity, the secretary of transportation or the secretary's  
12 designee shall intervene as a party in any hearing at which the closure  
13 of the crossing is contested. If the department of transportation is  
14 not a lead agency under chapter 43.21C RCW, a lead agency shall also  
15 intervene as a party in any hearing at which the closure of the  
16 crossing is contested. Upon the petition being filed, the commission  
17 shall fix a time and place for hearing the petition and shall give not  
18 less than twenty days' notice to the petitioner, the railroad company,  
19 and the municipality or county in which the crossing is situated. If  
20 the highway involved is a state highway or parkway, or if the crossing  
21 is adjacent to a project funded in part or in full by the state of  
22 Washington and managed by the department of transportation and closure  
23 of the crossing is part of the project, like notice shall be given to  
24 the secretary of transportation or the state parks and recreation  
25 commission. If the change petitioned for requires that private lands,  
26 property, or property rights be taken, damaged, or injuriously affected  
27 to open up a new route for the highway, or requires that any portion of  
28 any existing highway be vacated and abandoned, twenty days' notice of  
29 the hearing shall be given to the owner or owners of the private lands,  
30 property, and property rights which it is necessary to take, damage, or  
31 injuriously affect, and to the owner or owners of the private lands,  
32 property, or property rights that will be affected by the proposed  
33 vacation and abandonment of the existing highway. The commission shall  
34 also cause notice of the hearing to be published once in a newspaper of  
35 general circulation in the community where the crossing is situated,  
36 which publication shall appear at least two days before the date of  
37 hearing. At the time and place fixed in the notice, all persons and  
38 parties interested are entitled to be heard and introduce evidence. In

1 the case of a petition for closure of a grade crossing the commission  
2 may order the grade crossing closed without hearing where: (1) Notice  
3 of the filing of the petition is posted at, or as near as practical to,  
4 the crossing; (2) notice of the filing of the petition is published  
5 once in a newspaper of general circulation in the community or area  
6 where the crossing is situated, which publication shall appear within  
7 the same week that the notice referred to in subsection (1) of this  
8 section is posted; and (3) no objections are received by the commission  
9 within twenty days from the date of the publication of the notice.

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