

HOUSE BILL REPORT

HB 1332

As Reported by House Committee On: Transportation

Title: An act relating to dangerous objects on county roads and bridges.

Brief Description: Concerning dangerous objects on county roads and bridges.

Sponsors: Representatives Fey, Stambaugh and Jinkins.

Brief History:

Committee Activity:

Transportation: 2/8/17, 2/15/17 [DPS], 1/31/18 [DP2S].

Brief Summary of Second Substitute Bill

- Declares an item in or near the right-of-way of a county bridge or road that imminently threatens to damage or endanger a county bridge or road or obstructs, blocks, or threatens normal use of the roadway to be a public nuisance, and allows a county to take any actions necessary to abate it.
- Allows any item in or near the right-of-way of a county bridge or road and considered by a county to be immediately or eminently dangerous to travel upon a county bridge or road to be immediately removed, and this removal is not considered a breach of the peace or trespass.
- Requires logs dumped on a county road or bridge or in a county road drainage ditch to be removed immediately. Logs remaining on the county right-of-way for 30 days or more must be confiscated and removed or disposed of as directed by the county.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 15 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman, Gregerson, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Stambaugh, Tarleton and Valdez.

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.

Minority Report: Do not pass. Signed by 9 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes, Irwin, Pike, Shea, Van Werven and Young.

Staff: David Munnecke (786-7315).

Background:

County Roads.

A nuisance is defined to include, among other things, omitting to perform a duty that renders dangerous for passage a public street or highway. Counties have the general authority to deal with nuisances under both the state constitutional delegation of the police power to counties as well as state statute.

Both superior and district courts have the authority to impose fines for violations of a county's nuisance ordinance. A warrant of abatement allows the jurisdiction that receives it to enter onto private property, abate the designated nuisance, and hold the property owner responsible for the costs of the abatement. Such a warrant may only be issued by a superior court.

A jurisdiction may take action to abate a nuisance without a warrant of abatement, but the jurisdiction could be liable to the property owner if a court determined that the condition was not actually a nuisance or a hazard.

State Highways.

Whenever an item in or near the right-of-way of a state highway tends to endanger, obstruct, or constitute a hazard to vehicles or travelers, the item is declared to be a public nuisance, and the Washington State Department of Transportation (WSDOT) may take any actions necessary to abate it.

Any item in or near the right-of-way of a state highway and considered by the WSDOT to be immediately or eminently dangerous to travel upon a state highway may be immediately removed. This removal is not considered a breach of the peace or trespass.

Logs dumped on a state highway or in a state highway drainage ditch are required to be removed immediately. Logs remaining on the state highway right-of-way for 30 days or more must be confiscated and removed or disposed of as directed by the WSDOT.

Summary of Second Substitute Bill:

Whenever an item in or near the right-of-way of a county bridge or road imminently threatens to damage or endanger a county bridge or road or obstructs, blocks, or threatens normal use of the roadway, the item is declared to be a public nuisance, and the county may take any actions necessary to abate it.

Any item in or near the right-of-way of a county bridge or road and considered by the county to be immediately or eminently dangerous to travel upon a county bridge or road may be immediately removed. This removal is not considered a breach of the peace or trespass.

Logs dumped on a county road or bridge or in a county road drainage ditch are required to be removed immediately. Logs remaining on the county right-of-way for 30 days or more must be confiscated and removed or disposed of as directed by the county.

Second Substitute Bill Compared to Original Bill:

The second substitute bill limits the declaration of a public nuisance to items that imminently threaten to damage or endanger a county bridge or road and items that obstruct, block, or threaten the normal use of the roadway.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

See House Bill Report in the 2017 Legislative Session.

Persons Testifying:

See House Bill Report in the 2017 Legislative Session.

Persons Signed In To Testify But Not Testifying:

See House Bill Report in the 2017 Legislative Session.