
SUBSTITUTE SENATE BILL 6507

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Vognild, Prince, Morton, Loveland, M. Rasmussen and Winsley)

Read first time 02/08/94.

1 AN ACT Relating to railroad crossings; adding a new section to
2 chapter 81.52 RCW; and adding new sections to chapter 81.53 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.52 RCW
5 to read as follows:

6 (1) A covenant, promise, agreement, or understanding in, or in
7 connection with or collateral to, a contract or agreement relative to
8 the provision, construction, alteration, repair, or maintenance of any
9 railroad crossing purporting to indemnify against liability for damages
10 arising out of bodily injury to persons or damage to property:

11 (a) Caused by or resulting from the sole negligence of the
12 indemnitee, its agents or employees is against public policy and is
13 void and unenforceable;

14 (b) Caused by or resulting from the concurrent negligence of: (i)
15 The indemnitee or the indemnitee's agents or employees; and (ii) the
16 indemnitor or the indemnitor's agents or employees, is valid and
17 enforceable only to the extent of the indemnitor's negligence and only
18 if the agreement specifically and expressly provides therefor.

1 (2) For the purposes of this section, "railroad crossing" means any
2 point or place where a private roadway or pedestrian walkway crosses a
3 railroad.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.53 RCW
5 to read as follows:

6 (1) A railroad crossing may not be closed, discontinued, or
7 otherwise abandoned except upon the approval of the commission.

8 (2) In determining whether a railroad crossing should be closed,
9 discontinued, or otherwise abandoned, the commission shall consider the
10 following factors:

11 (a) Whether the railroad crossing is reasonably necessary in order
12 to provide for the safety of persons or property;

13 (b) The reasonableness of the agreement or permit under which the
14 railroad crossing is maintained;

15 (c) Whether there exist other practical or reasonable means of
16 ingress or egress to or from the lands served by the railroad crossing;

17 (d) The burden on the owner or owners of lands served by the
18 railroad crossing if the crossing is closed, discontinued, or otherwise
19 abandoned; and

20 (e) Such other factors as the commission deems appropriate.

21 (3) For the purposes of this section, "railroad crossing" means any
22 point or place where a private roadway or pedestrian walkway crosses a
23 railroad.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.53 RCW
25 to read as follows:

26 (1) Any railroad company may file with the commission a written
27 petition to close, discontinue, or otherwise abandon an existing
28 railroad crossing.

29 (2) Upon the petition being filed, the commission shall fix a time
30 and place for hearing the petition and shall give not less than twenty
31 days' notice to the petitioner and the affected owner or owners of land
32 served by the railroad crossing. At the time and place fixed in the
33 notice, all persons and parties interested are entitled to be heard and
34 introduce evidence. The commission may permit the railroad crossing to
35 be closed, discontinued, or otherwise abandoned without hearing when no
36 objections are received by the commission within twenty days from the
37 date of notice.

1 (3) At the conclusion of a hearing, the commission shall make and
2 file its written findings of fact concerning the matters inquired into.
3 The commission shall also enter its order based upon the findings of
4 fact. The order must specify whether the railroad crossing is to be
5 closed, discontinued, or otherwise abandoned.

6 (4) For the purposes of this section, "railroad crossing" means any
7 point or place where a private roadway or pedestrian walkway crosses a
8 railroad.

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