

HOUSE BILL REPORT

SB 5613

As Reported by House Committee On: Local Government

Title: An act relating to the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

Brief Description: Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

Sponsors: Senators Rivers, Schoesler, Becker, Brown, Short, Warnick, Wilson, L. and Fortunato.

Brief History:

Committee Activity:

Local Government: 3/15/19, 3/20/19 [DPA], 2/21/20, 2/26/20 [DPA].

Brief Summary of Bill (As Amended by Committee)

- Allows a county, until December 31, 2023, to vacate a road abutting a body of water located in a county west of the crest of the Cascade Mountains and bordered by the Columbia River with a population of over 450,000 if the county determines that the road has been used as an access point to trespass on private property, the trespassing has caused loss of human life and public access creates an ongoing risk to public safety, and public access to the body of water is available at not less than three public access sites.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 5 members: Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Staff: Elizabeth Allison (786-7129).

Background:

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.

A road or street vacation is the termination of public interest in a right-of-way. It extinguishes the easement for public travel that is represented by the right-of-way.

A county may vacate a county road that is considered useless after a board resolution and declaration that it intends to vacate and abandon the road or any portion of it. The county must direct the county road engineer to report on the road vacation. The report must include the engineer's opinion as to whether the county road should be vacated, whether the road has been in use, the condition of the road, whether it will be advisable to preserve the road for the county road system in the future, whether the public will benefit from the vacation, and all other facts that will be of importance to the board.

The owners of the majority of the frontage on any county road or portion of a road may petition the board to vacate all or part of the road. The petition must show the land owned by each petitioner and declare that the county road or portion of road is useless and the public will benefit from its vacation.

The county must publish in the county official newspaper a notice of hearing upon the report for vacation of a county road at least once a week for two consecutive weeks preceding the date fixed for the hearing. The county must also post a copy of the notice at each terminus of the county road to be vacated for at least 20 days preceding the date fixed for a hearing. During the hearing, the county legislative authority must consider the report of the engineer and any evidence for objecting to the vacation, and must not vacate the road if it is found to be useful and a public benefit. If found not useful or not a public benefit, the county may vacate the road.

A county may not vacate a road or any part of a road that abuts on a body of salt or fresh water unless the purpose of the vacation is to enable a public authority to acquire the property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other purposes, or unless the property is zoned for industrial uses.

Summary of Amended Bill:

A county is authorized, until December 31, 2023, to vacate a road that abuts a body of water located in a county west of the crest of the Cascade Mountains and bordered by the Columbia River with a population over 450,000 if the county determines that:

- the road has been used as an access point to trespass onto private property;
- trespassing has caused loss of human life and that public use of the county road creates an ongoing risk to public safety; and
- public access to the same body of water abutting the county road is available at not less than three public access sites within 2 miles in any direction of the terminus of the road subject to vacation.

Amended Bill Compared to Original Bill:

A provision was added that authorizes a county, until December 31, 2023, to vacate a road that abuts a body of water located in a county west of the crest of the Cascade Mountains and

bordered by the Columbia River with a population over 450,000 if the county determines that:

- the road has been used as an access point to trespass onto private property;
- trespassing has caused loss of human life and that public use of the county road creates an ongoing risk to public safety; and
- public access to the same body of water abutting the county road is available at not less than three public access sites within 2 miles in any direction of the terminus of the road subject to vacation.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: 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 amendment language narrows the bill to ensure that this type of authority is only to address public safety areas and only when there are sufficient water access points left.

(Opposed) There is public interest in shoreline county roads. The law on the books exists to protect public interest so that citizens can get to the water. A person cannot privatize a portion of a sidewalk in front of the person's house because someone is sleeping on that portion of the sidewalk. Access to the water is a similar situation, and access is limited. Counties can only vacate roads that are useless, and when people use the road, it is not useless.

Persons Testifying: (In support) Bill Clarke; Peter Dykstra; and John Weiss.

(Opposed) Reed Waite.

Persons Signed In To Testify But Not Testifying: None.