

HOUSE BILL REPORT

HB 2949

As Reported by House Committee On:
Local Government & Housing

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: Representatives Parker and Kretz.

Brief History:

Committee Activity:

Local Government & Housing: 1/28/10, 2/1/10 [DP].

Brief Summary of Bill

- Removes statutory requirement for consideration of a county engineer's report during a public hearing for a proposed road abandonment.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Becca Kenna-Schenk (786-7291) and Ethan Moreno (786-7386).

Background:

Under current statute, when a county road or road segment is considered useless, the county legislative authority may, by resolution, declare its intention to vacate or abandon the road. In addition, owners of the majority of the frontage on any county road may petition the county legislative authority to vacate and abandon the road or any segment of the road.

Upon initiation of a road abandonment resolution or petition, the county legislative authority must direct the county road engineer to issue a report analyzing the proposed vacation or abandonment. The county engineer's report must include:

- findings on whether the road is in use or has been in use;

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- the condition of the road;
- 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 meeting specified public notice requirements, the legislative authority must conduct a public hearing on the proposed road abandonment, during which the county legislative authority must consider the report of the county road engineer. Based upon the evidence presented at the public hearing, the county legislative authority may authorize the abandonment of the road upon a finding that the road is not useful and that the public will benefit by its abandonment.

Summary of Bill:

The requirement for consideration of a county engineer's report during a public hearing for a proposed road abandonment is removed.

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) Local governments need to close roads when they are in disrepair and become a liability, or when a new method for handling traffic has become apparent. Spokane County would like to close a road, but has encountered difficulties. This bill simply streamlines the road abandonment and vacation process so that cities and counties can coordinate more effectively. This bill makes the road abandonment process for counties less expensive and more similar to the process currently authorized for cities. The process for cities simply requires a public hearing on the proposed road abandonment, and then the city legislative authority makes a determination based on what makes the most sense for the transportation system in the area. The process for counties is different, and some may argue conflicting statutes exist. Under current statute, the county engineer is required to base his or her recommendation on the proposed road abandonment on whether a road is being utilized. However, other statutes allow the county legislative authority to take a more broad view of the county road system when determining whether a road should be abandoned. This creates a conflict with the engineer's report, which is more narrowly focused. A more streamlined process is needed at the county level.

(Opposed) None.

Persons Testifying: Representative Parker, prime sponsor; and Todd Mielke, Spokane County.

Persons Signed In To Testify But Not Testifying: None.