

BINGEN MUNICIPAL CODE

Chapter 10.35

RAILROAD CROSSING CLOSURES

Sections:

- 10.35.001 Petition.
- 10.35.005 Public hearing.
- 10.35.010 Public notice.
- 10.35.015 Notification to railroad and affected owners.

10.35.001 Petition.

- A. Any railroad company operation in the City of Bingen which desire to close or remove a railroad crossing shall, no less than one hundred eighty (180) days prior to the proposed closing or removal, provide a written petition by registered or certified mail to the City of Bingen City Council and to the owner or owners of records of the crossing traversed by the rail line. The petition shall state the manner in which such railroad crossing fails to promote public safety or economic development and how the retention of the crossing imposes unreasonable burdens on or substantially interferes with rail transportation.
- B. As a matter of policy, no railroad crossing located in the City of Bingen shall be closed or removed by any railroad company unless the record evidence at a public hearing demonstrates that the closure or removal of the crossing is justified by public safety considerations and or imposes unreasonable burdens on or substantially interferes with rail transportation. If the record evidence at the public hearing demonstrates that retention of the crossing is necessary to enhance public health and safety objectives such as adequate access for emergency first responders or to facilitate future economic development in the City, the petition shall be denied.
- C. The City of Bingen City Council shall publish the written request from the railroad company on the City of Bingen’s website and in a newspaper of general circulation in the City of Bingen for no less than twenty-five (25) days. (Ord. 615 §1, 2013).

10.35.005 Public hearing.

- A. No railroad crossing shall be closed or removed by any railroad company until after a public hearing by the City of Bingen City Council at which parties in interest have had an opportunity to be heard.
- B. Notice of the time and place of the hearing shall be published on the City of Bingen’s website and in a newspaper of general circulation in the City of Bingen and at least fifteen (15) days shall elapse between the publication and the date of the hearing.

- C. In addition to the notice by publication, and at least ten (10) days prior to the hearing, a good faith attempt to notify the owner or owners of record of the property where the crossing is located shall be made by the City of Bingen by sending an official notice by registered or certified mail of the time and place of the hearing to the address or addresses indicated in the records of the City of Bingen.
- D. The public hearing shall be held not less than sixty (60) days after receipt of request of the railroad company as provided in Section 10.35.001 of this Chapter. (Ord. 615 §1, 2013).

10.35.010 Public notice.

- A. Following such public hearing, the City of Bingen City Council shall publish notice of its on the City of Bingen’s website and in a newspaper of general circulation in the City of Bingen.
- B. The notice shall contain:
 - 1. where such crossing is located and
 - 2. the decision regarding the required retention of the crossing and any conditions or, in the event of an authorized closure or removal, the manner in which such closure or removal shall be made, and the date of such closure. (Ord. 615 §1, 2013).

10.35.015 Notification to railroad and affected owners.

- A. Notice of the City of Bingen’s City Council decision shall be provided by registered or certified mail to the railroad company and the owner or owners or record of the property where the crossing is located.
- B. Such notice shall conform to the public notice in Section 10.35.010 of this Chapter. In addition, such notice shall contain:
 - 1. The date the decision was provided and the due date for an appeal; and
 - 2. A statement that the decision is final and any further appeals must be pursued through Klickitat County Superior Court. (Ord. 615 §1, 2013).