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HOUSE BILL 2779

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Basich, Regala, Rust, Scheuerman, Dellwo, Cooke and Conway; by request of Governor Lowry

Read first time 01/19/96. Referred to Committee on Natural Resources.

1 AN ACT Relating to completing a cross-state trail system by  
2 changing management and control of property and establishing a  
3 franchise for rail line rights of way; amending RCW 43.51.405 and  
4 79.08.275; adding new sections to chapter 43.51 RCW; creating new  
5 sections; making appropriations; providing an effective date; and  
6 providing contingent expiration dates.

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

8 NEW SECTION. **Sec. 1.** The legislature intends to complete a cross-  
9 state trail system while maintaining long-term ownership of the  
10 Milwaukee Road corridor. In order to accomplish this, it will be  
11 beneficial to change the management and control of certain portions of  
12 the Milwaukee Road corridor currently managed and controlled by several  
13 state agencies and to provide a franchise to establish and maintain a  
14 rail line. It is the intent of the legislature that if a franchise is  
15 not agreed upon, no changes in the current management and control shall  
16 occur.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.51 RCW  
18 to read as follows:

1 (1) The commission shall develop and maintain a cross-state trail  
2 facility with appropriate appurtenances.

3 (2) This section expires July 1, 1999, if the department of natural  
4 resources does not enter into a franchise agreement for a rail line  
5 over portions of the Milwaukee Road corridor by July 1, 1999.

6 NEW SECTION. **Sec. 3.** (1) To facilitate completion of a cross-  
7 state trail under the management of the parks and recreation  
8 commission, management and control of lands known as the Milwaukee Road  
9 corridor shall be transferred between state agencies as follows on the  
10 date a franchise agreement is entered into for a rail line over  
11 portions of the Milwaukee Road corridor:

12 (a) Portions owned by the state between Ellensburg and the Columbia  
13 river that are managed by the parks and recreation commission are  
14 transferred to the department of natural resources;

15 (b) Portions owned by the state between Royal City Junction and  
16 Othello that are managed by the department of transportation are  
17 transferred to the department of natural resources; and

18 (c) Portions owned by the state between Lind and the Idaho border  
19 that are managed by the department of natural resources are transferred  
20 to the parks and recreation commission.

21 (2) The department of natural resources and the parks and  
22 recreation commission may by mutual agreement transfer the management  
23 authority over portions of the Milwaukee Road corridor between their  
24 two respective agencies without legislative approval if the portion  
25 transferred does not exceed ten miles in length.

26 (3) This section expires July 1, 1999, and no transfers shall occur  
27 if the department of natural resources does not enter into a franchise  
28 agreement for a rail line over portions of the Milwaukee Road corridor  
29 by July 1, 1999.

30 NEW SECTION. **Sec. 4.** (1) The department of natural resources  
31 shall negotiate a franchise with a rail carrier to establish and  
32 maintain a rail line over portions of the Milwaukee Road corridor owned  
33 by the state between Ellensburg and Lind. The department of natural  
34 resources may negotiate such a franchise with any qualified rail  
35 carrier. Criteria for negotiating the franchise and establishing the  
36 right of way include:

1 (a) Assurances that resources from the franchise will be sufficient  
2 to compensate the state for use of the property, including completion  
3 of a cross-state trail;

4 (b) Types of payment for use of the franchise;

5 (c) Standards for maintenance of the line;

6 (d) Access issues, including consideration of the potential  
7 benefits to be derived from access by various and competitive rail  
8 carriers;

9 (e) Compliance with environmental standards; and

10 (f) Provisions for insurance and the coverage of liability.

11 (2) The franchise may provide for periodic review of financial  
12 arrangements under the franchise.

13 (3) The department of natural resources shall negotiate the terms  
14 of the franchise, and shall present the agreement to the department of  
15 transportation and the parks and recreation commission for approval.

16 (4) This section expires July 1, 1999, if the department of natural  
17 resources does not enter into a franchise agreement for a rail line  
18 over portions of the Milwaukee Road corridor by July 1, 1999.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.51 RCW  
20 to read as follows:

21 (1) The cross-state trail account is created in the custody of the  
22 state treasurer. The department of natural resources shall deposit  
23 revenues from franchise fees collected for use of the state's Milwaukee  
24 Road corridor into the account, except for revenues derived from  
25 federally granted trust lands. The department of natural resources may  
26 retain an administrative fee to cover actual costs of administering the  
27 franchise. Expenditures from the account may be used only for the  
28 acquisition, development, operation, and maintenance of the cross-state  
29 trail. Only the director of the state parks and recreation commission  
30 or the director's designee may authorize expenditures from the account.  
31 The account is subject to allotment procedures under chapter 43.88 RCW,  
32 but no appropriation is required for expenditures.

33 (2) The commission may acquire land from willing sellers for the  
34 cross-state trail, but not by eminent domain.

35 (3) The commission shall adopt rules describing the cross-state  
36 trail.

1 (4) This section expires July 1, 1999, if the department of natural  
2 resources does not enter into a franchise agreement for a rail line  
3 over portions of the Milwaukee Road corridor by July 1, 1999.

4 NEW SECTION. **Sec. 6.** (1) Before entering into a final agreement  
5 to issue a franchise negotiated in accordance with section 4 of this  
6 act, the department of natural resources shall submit the franchise to  
7 the legislature for approval by concurrent resolution.

8 (2) If the department of natural resources has not entered into a  
9 final agreement to franchise a rail line over portions of the Milwaukee  
10 Road corridor by December 1, 1998, a report of the progress and  
11 obstacles to such an agreement shall be made. The report shall be  
12 submitted by December 15, 1998, to appropriate committees of the  
13 legislature.

14 **Sec. 7.** RCW 43.51.405 and 1989 c 129 s 1 are each amended to read  
15 as follows:

16 Except as provided in sections 3 and 4 of this act, management  
17 control of the portion of the Milwaukee Road corridor, beginning at the  
18 western terminus near Easton and concluding at the west end of the  
19 bridge structure over the Columbia river, which point is located in  
20 section 34, township 16 north, range 23 east, W.M., inclusive of the  
21 northerly spur line therefrom, shall be transferred by the department  
22 of natural resources to the state parks and recreation commission at no  
23 cost to the commission.

24 **Sec. 8.** RCW 79.08.275 and 1989 c 129 s 2 are each amended to read  
25 as follows:

26 Except as provided in sections 3 and 4 of this act, the portion of  
27 the Milwaukee Road corridor from the west end of the bridge structure  
28 over the Columbia river, which point is located in section 34, township  
29 16 north, range 23 east, W.M., to the Idaho border purchased by the  
30 state shall be under the management and control of the department of  
31 natural resources.

32 NEW SECTION. **Sec. 9.** (1) The sum of . . . . . dollars, or as  
33 much thereof as may be necessary, is appropriated for the biennium  
34 ending June 30, 1997, from the general fund to the parks and recreation  
35 commission for trail planning under this act.

1 (2) The sum of . . . . . dollars, or as much thereof as may be  
2 necessary, is appropriated for the biennium ending June 30, 1997, from  
3 the general fund to the department of natural resources for franchise  
4 development and planning under this act.

5 (3) The sum of . . . . . dollars, or as much thereof as may be  
6 necessary, is appropriated for the biennium ending June 30, 1997, from  
7 the general fund to the department of transportation for rail planning  
8 under this act.

9 NEW SECTION. **Sec. 10.** This act shall take effect July 1, 1996.

10 NEW SECTION. **Sec. 11.** Sections 7 and 8, chapter . . . , Laws of  
11 1996 (sections 7 and 8 of this act) expire July 1, 1999, if the  
12 department of natural resources does not enter into a franchise  
13 agreement for a rail line over portions of the Milwaukee Road corridor  
14 by July 1, 1999.

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