

1 5816 AMH LG H2825.2

2 SB 5816 - H COMM AMD

3 By Committee on Local Government

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32 RCW
8 to read as follows:

9 A county when calling for competitive bids for the procurement of
10 road maintenance materials may award to multiple bidders for the same
11 commodity when the bid specifications provide for the factors of haul
12 distance to be included in the determination of which vendor is truly
13 the lowest price to the county. The county may readvertise for
14 additional bidders and vendors if it deems it necessary in the public
15 interest."

16 "NEW SECTION. **Sec. 2.** A new section is added to chapter 36.88 RCW
17 to read as follows:

18 At its option, a county may include the value of right of way or
19 property that is donated or given to the county for purposes of an
20 improvement to be financed by a road improvement district, together
21 with the costs of acquiring other rights of way or property for the
22 improvement that was not donated or given to the county, in the costs
23 of the improvement and credit or reduce the assessments imposed on
24 benefited property for the value of the right of way or property that
25 the owner of the benefited property donated or gave to the county for
26 the improvement."

1 **"Sec. 3.** RCW 36.70.540 and 1963 c 4 s 36.70.540 are each amended
2 to read as follows:

3 Whenever a ((~~board~~)) county legislative authority has approved by
4 motion and certified all or part of a comprehensive plan, no ((~~street~~))
5 road, square, park or other public ground or open space shall be
6 acquired by dedication or otherwise((~~, no street shall be disposed of,~~
7 ~~closed or abandoned,~~)) and no public building or structure shall be
8 constructed or authorized to be constructed in the area to which the
9 comprehensive plan applies until its location, purpose and extent has
10 been submitted to and reported upon by the planning agency. The report
11 by the planning agency shall set forth the manner and the degree to
12 which the proposed project does or does not conform to the objectives
13 of the comprehensive plan. If final authority is vested by law in some
14 governmental officer or body other than the ((~~board~~)) county
15 legislative authority, such officer or governmental body shall report
16 the project to the planning agency and the planning agency shall render
17 its report to such officer or governmental body. In both cases the
18 report of the planning agency shall be advisory only. Failure of the
19 planning agency to report on such matter so referred to it within forty
20 days or such longer time as the ((~~board~~)) county legislative authority
21 or other governmental officer or body may indicate, shall be deemed to
22 be approval."

23 **"Sec. 4.** RCW 47.76.030 and 1990 c 43 s 11 are each amended to read
24 as follows:

25 (1) The essential rail assistance account is hereby created in the
26 state treasury. Moneys in the account may be appropriated only for the
27 purposes specified in this section.

28 (2) Moneys appropriated from the account to the department of
29 transportation may be distributed by the department to first class

1 cities, county rail districts, counties, and port districts for the
2 purpose of:

3 (a) Acquiring, maintaining, or improving branch rail lines;

4 (b) Operating railroad equipment necessary to maintain essential
5 rail service;

6 (c) Construction of transloading facilities to increase business on
7 light density lines or to mitigate the impacts of abandonment; or

8 (d) Preservation, including operation, of viable light density
9 lines, as identified by the Washington state department of
10 transportation, in compliance with this chapter.

11 (3) First class cities, county rail districts, counties, and port
12 districts may grant franchises to private railroads for the right to
13 operate on lines acquired, repaired, or improved under this chapter.

14 (4) If rail lines or rail rights of way are used by county rail
15 districts, port districts, state agencies, or other public agencies for
16 the purposes of rail operations and are later abandoned, the rail lines
17 or rail rights of way cannot be used for any other purposes without the
18 consent of the underlying fee title holder or reversionary rights
19 holder, or compensation has been made to the underlying fee title
20 holder or reversionary rights holder.

21 (5) Moneys distributed under subsection (2) of this section shall
22 not exceed eighty percent of the cost of the service or project
23 undertaken. At least twenty percent of the cost shall be provided by
24 the first class city, county, port district, or other local sources.

25 (6) The amount distributed under this section shall be repaid to
26 the state by the first class city, county rail district, county, or
27 port district. The repayment shall occur within a period not longer
28 than fifteen years, as set by the department, of the distribution of
29 the moneys and shall be deposited in the essential rail assistance

1 account. The repayment schedule and rate of interest, if any, shall be
2 set at the time of the distribution of the moneys.

3 (7) All earnings of investments of balances in the essential rail
4 assistance account shall be credited to that account except as provided
5 in RCW 43.84.090 and 43.84.092."

6 "Sec. 5. RCW 47.76.040 and 1985 c 432 s 3 are each amended to read
7 as follows:

8 The department shall sell property acquired under RCW 47.76.030 to
9 a county rail district established under chapter 36.60 RCW, a county,
10 a port district, or any other public or private entity authorized to
11 operate rail service. Any public or private entity which originally
12 donated funds to the department pursuant to RCW 47.76.030 shall receive
13 credit against the purchase price for the amount donated to the
14 department, less management costs, in the event such public or private
15 entity purchases the property from the department.

16 If no county rail district, county, port district, or other public
17 or private entity authorized to operate rail service offers to purchase
18 such property within six years after its acquisition by the department,
19 the department may sell such property in the manner provided in RCW
20 47.76.050. Failing this, the department may sell or convey all such
21 property in the manner provided in RCW 47.76.060 or 47.76.080."

22 "Sec. 6. RCW 47.76.160 and 1990 c 43 s 7 are each amended to read
23 as follows:

24 (1) The essential rail banking account is created in the state
25 treasury. Moneys in the account may be spent only after appropriation.
26 Expenditures from the account may be used only for the purposes
27 specified in this section.

28 (2) Moneys in the account may be used by the department to:

1 (a) Purchase unused rail rights of way; or

2 (b) Provide up to eighty percent of the funding through loans to
3 first class cities, port districts, counties, and county rail districts
4 to purchase unused rail rights of way.

5 (3) Use of the moneys pursuant to subsection (2) of this section
6 shall be for rights of way that meet the following criteria:

7 (a) The right of way has been identified, evaluated, and analyzed
8 in the state rail plan prepared pursuant to this chapter;

9 (b) The right of way may be or has been abandoned;

10 (c) The right of way has potential for future rail service; and

11 (d) Reestablishment of rail service would benefit the state of
12 Washington; and this benefit shall be based on the public and private
13 costs and benefits of reestablishing the service compared with
14 alternative service including necessary road improvement costs, or of
15 taking no action.

16 Funds in the account may be expended for this purpose only with
17 legislative appropriation. Funds for acquisition of any line shall be
18 expended only after obtaining the approval of the legislative
19 transportation committee. The department may also expend funds from
20 the receipt of a donation of funds sufficient to cover the property
21 acquisition and management costs. The department may receive donations
22 of funds for this purpose, which shall be conditioned upon, and made in
23 consideration for the repurchase rights contained in RCW 47.76.040.
24 The department or the participating local jurisdiction shall be
25 responsible for maintaining the right of way, including provisions for
26 fire and weed control and for liability associated with ownership.
27 Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be
28 interpreted or applied so as to impair the reversionary rights of
29 abutting landowners, if any, without just compensation.

1 (4) All earnings of investments of balances in the essential rail
2 banking account shall be credited to that account except as provided in
3 RCW 43.84.090 and 43.84.092."

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5 By Committee on Local Government

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7 On page 1, line 1 of the title, after "counties;" strike the
8 remainder of the title and insert "amending RCW 36.70.540, 47.76.030,
9 47.76.040, and 47.76.160; adding a new section to chapter 36.32 RCW;
10 and adding a new section to chapter 36.88 RCW."