

2 **ESHB 2832** - S COMM AMD  
3 By Committee on Transportation

4 ADOPTED AS AMENDED 3/1/96

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

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

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

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

20 (2) This section expires July 1, 1999, if the department of  
21 transportation does not enter into a franchise agreement for a rail  
22 line over portions of the Milwaukee Road corridor by July 1, 1999.

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

29 (a) Portions owned by the state between Ellensburg and the Columbia  
30 River that are managed by the parks and recreation commission are  
31 transferred to the department of transportation;

32 (b) Portions owned by the state between the west side of the  
33 Columbia River and Royal City Junction and between Warden and Lind that

1 are managed by the department of natural resources are transferred to  
2 the department of transportation; and

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

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

11 (3) This section expires July 1, 1999, and no transfers shall occur  
12 if the department of transportation does not enter into a franchise  
13 agreement for a rail line over portions of the Milwaukee Road corridor  
14 by July 1, 1999.

15 NEW SECTION. **Sec. 4.** (1) The department of transportation shall  
16 negotiate a franchise with a rail carrier to establish and maintain a  
17 rail line over portions of the Milwaukee Road corridor owned by the  
18 state between Ellensburg and Lind. The department of transportation  
19 may negotiate such a franchise with any qualified rail carrier.  
20 Criteria for negotiating the franchise and establishing the right of  
21 way include:

22 (a) Assurances that resources from the franchise will be sufficient  
23 to compensate the state for use of the property, including completion  
24 of a cross-state trail between Easton and the Idaho border;

25 (b) Types of payment for use of the franchise, including payment  
26 for the use of federally granted trust lands in the transportation  
27 corridor;

28 (c) Standards for maintenance of the line;

29 (d) Provisions ensuring that both the conventional and intermodal  
30 rail service needs of local shippers are met. Such accommodations may  
31 comprise agreements with the franchisee to offer or maintain adequate  
32 service or to provide service by other carriers at commercially  
33 reasonable rates;

34 (e) Provisions requiring the franchisee, upon reasonable request of  
35 any other rail operator, to provide rail service and interchange  
36 freight over what is commonly known as the Stampede Pass rail line from  
37 Cle Elum to Auburn at commercially reasonable rates;

1 (f) If any part of the franchise agreement is invalidated by  
2 actions or rulings of the federal surface transportation board or a  
3 court of competent jurisdiction, the remaining portions of the  
4 franchise agreement are not affected;

5 (g) Compliance with environmental standards; and

6 (h) Provisions for insurance and the coverage of liability.

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

9 (3) The department of transportation, in consultation with the  
10 parks and recreation commission and the legislative transportation  
11 committee, shall negotiate the terms of the franchise, and shall  
12 present the agreement to the parks and recreation commission for  
13 approval of as to terms and provisions affecting the cross-state trail  
14 or affecting the commission.

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

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

20 (1) The cross-state trail account is created in the custody of the  
21 state treasurer. Eleven million five hundred thousand dollars is  
22 provided to the state parks and recreation commission to acquire,  
23 construct, and maintain a cross-state trail. This amount may consist  
24 of: (a) Legislative appropriations intended for trail development; (b)  
25 payments for the purchase of federally-granted trust lands; and (c)  
26 franchise fees derived from use of the rail corridor. The legislature  
27 intends that any amounts provided from the transportation fund are to  
28 be repaid to the transportation fund from franchise fees.

29 (2) The department shall deposit franchise fees from use of the  
30 rail corridor according to the following priority: (a) To the  
31 department of transportation for actual costs incurred in administering  
32 the franchise; (b) to the department of natural resources as  
33 compensation for use of federally granted trust lands in the rail  
34 corridor; (c) to the transportation fund to reimburse any amounts  
35 transferred or appropriated from that fund by the legislature for trail  
36 development; (d) to the cross-state trail account, not to exceed eleven  
37 million five hundred thousand dollars, provided that this amount shall  
38 be reduced proportionate with any funds transferred or appropriated by

1 the 1996 legislature or paid from franchise fees for the purchase of  
2 federally-granted trust lands for trail development; and (e) the  
3 remainder to the essential rail assistance account, created under RCW  
4 47.76.250. Expenditures from the cross-state trail account may be used  
5 only for the acquisition, development, operation, and maintenance of  
6 the cross-state trail. Only the director of the state parks and  
7 recreation commission or the director's designee may authorize  
8 expenditures from the account. The account is subject to allotment  
9 procedures under chapter 43.88 RCW, but no appropriation is required  
10 for expenditures.

11 (3) The commission may acquire land from willing sellers for the  
12 cross-state trail, but not by eminent domain.

13 (4) The commission shall adopt rules describing the cross-state  
14 trail.

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

18 NEW SECTION. **Sec. 6.** (1) Before entering into a final agreement  
19 to issue a franchise negotiated in accordance with section 4 of this  
20 act, the department of transportation shall submit the franchise to the  
21 legislative transportation committee for review and approval.

22 (2) If the department of transportation has not entered into a  
23 final agreement to franchise a rail line over portions of the Milwaukee  
24 Road corridor by December 1, 1998, a report of the progress and  
25 obstacles to such an agreement shall be made. The report shall be  
26 submitted by December 15, 1998, to appropriate committees of the  
27 legislature.

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

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

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

3       Except as provided in sections 3 and 4 of this act, the portion of  
4 the Milwaukee Road corridor from the west end of the bridge structure  
5 over the Columbia river, which point is located in section 34, township  
6 16 north, range 23 east, W.M., to the Idaho border purchased by the  
7 state shall be under the management and control of the department of  
8 natural resources.

9       **Sec. 9.** RCW 44.40.020 and 1977 ex.s. c 235 s 5 are each amended to  
10 read as follows:

11       (1) The committee is authorized and directed to continue its  
12 studies and for that purpose shall have the powers set forth in chapter  
13 111, Laws of 1947. The committee is further authorized to make studies  
14 related to bills assigned to the house and senate transportation  
15 committees and such other studies as provided by law. The executive  
16 committee of the committee may assign responsibility for all or part of  
17 the conduct of studies to the house and/or senate transportation  
18 committees.

19       (2) The committee may review and approve franchise agreements  
20 entered into by the department of transportation under section 4 of  
21 this act.

22       NEW SECTION.   **Sec. 10.** This act takes effect July 1, 1996.

23       NEW SECTION.   **Sec. 11.** Sections 7 and 8, chapter . . . , Laws of  
24 1996 (sections 7 and 8 of this act) expire July 1, 1999, if the  
25 department of transportation does not enter into a franchise agreement  
26 for a rail line over portions of the Milwaukee Road corridor by July 1,  
27 1999.

28       NEW SECTION.   **Sec. 12.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected."

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4 In line 4 of the title, after "way;" strike the remainder of the  
5 title and insert "amending RCW 43.51.405, 79.08.275, and 44.40.020;  
6 adding new sections to chapter 43.51 RCW; creating new sections;  
7 providing an effective date; and providing contingent expiration  
8 dates."

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