

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

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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. The department of transportation shall deposit
22 revenues from fees collected for use of the state's Milwaukee Road
23 corridor into the account until the parks and recreation commission has
24 received adequate funds to (a) replace portions of land converted to
25 rail use; (b) acquire necessary properties to complete the cross-state
26 trail between Easton and the Idaho border; and (c) provide maintenance
27 on the cross-state trail over the term of the franchise agreement. The
28 department of transportation may retain an administrative fee to cover
29 the actual costs of administering the franchise. Any residual amount
30 shall be deposited into the essential rail assistance account, created
31 under RCW 47.76.250. Expenditures from the account may be used only
32 for the acquisition, development, operation, and maintenance of the
33 cross-state trail. Only the director of the state parks and recreation
34 commission or the director's designee may authorize expenditures from
35 the account. The account is subject to allotment procedures under
36 chapter 43.88 RCW, but no appropriation is required for expenditures.

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

1 (3) The commission shall adopt rules describing the cross-state
2 trail.

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

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

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

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

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

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

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

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

1 (1) The committee is authorized and directed to continue its
2 studies and for that purpose shall have the powers set forth in chapter
3 111, Laws of 1947. The committee is further authorized to make studies
4 related to bills assigned to the house and senate transportation
5 committees and such other studies as provided by law. The executive
6 committee of the committee may assign responsibility for all or part of
7 the conduct of studies to the house and/or senate transportation
8 committees.

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

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

13 NEW SECTION. **Sec. 11.** Sections 7 and 8, chapter . . ., Laws of
14 1996 (sections 7 and 8 of this act) expire July 1, 1999, if the
15 department of transportation does not enter into a franchise agreement
16 for a rail line over portions of the Milwaukee Road corridor by July 1,
17 1999.

18 NEW SECTION. **Sec. 12.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected."

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25 In line 4 of the title, after "way;" strike the remainder of the
26 title and insert "amending RCW 43.51.405, 79.08.275, and 44.40.020;
27 adding new sections to chapter 43.51 RCW; creating new sections;
28 providing an effective date; and providing contingent expiration
29 dates."

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