
HOUSE BILL 2478

State of Washington 55th Legislature 1998 Regular Session

By Representatives Schoesler, Honeyford, Sump and Sheahan

Read first time . Referred to Committee on .

1 AN ACT Relating to railroad corridors acquired by state agencies
2 for trail use; adding a new chapter to Title 81 RCW; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that state agencies
6 have acquired railroad corridors under the national trails system act
7 to preserve railroad corridors for future railroad use and to provide
8 interim trail use. The legislature also finds that such railroad
9 corridors are surrounded by privately owned properties, or contain
10 easements across privately owned properties, and that the operation of
11 the corridors can significantly affect these properties. The purpose
12 of this chapter is to establish minimum requirements for the management
13 and operation of such corridors in order to protect privately owned
14 property.

15 NEW SECTION. **Sec. 2.** Unless the context clearly requires
16 otherwise, the definitions in this section apply throughout this
17 chapter.

1 (1) "State agency" means and includes every state office,
2 department, division, board, or commission.

3 (2) "National trails system act" means section 1247 of the national
4 trails system act, 16 U.S.C. Sec. 1247.

5 (3) "Railroad corridor" means railroad rights-of-way acquired by a
6 state agency under the national trails system act for interim trail
7 use.

8 NEW SECTION. **Sec. 3.** A state agency that has acquired a railroad
9 corridor under the national trails system act shall manage and operate
10 the corridor in compliance with the requirements of this section.

11 (1) The agency shall comply with all applicable rules and standards
12 for the control of noxious weeds under chapters 17.04 and 17.10 RCW.

13 (2) The agency shall, at a minimum, maintain, reconstruct, or
14 replace fences, or pay the costs of maintaining, reconstructing, or
15 replacing fences, in the same manner as when the corridor was most
16 recently managed and operated to support active railroad service. This
17 may include, but is not limited to, maintaining or constructing fences
18 where the full cost of such maintenance or construction is borne by the
19 state agency, providing fencing materials to adjacent landowners, or
20 otherwise sharing the costs of maintaining or constructing fencing with
21 adjacent landowners. Fences provided under this subsection shall be
22 adequate to control livestock access to the trail.

23 (3) The agency shall prohibit access to the trail, or affected
24 portions of the trail, during hunting seasons.

25 (4) The agency shall regularly patrol the trail and enforce trail
26 use rules that, at a minimum, prohibit littering, vandalism, disturbing
27 livestock, lighting fires, and trespassing upon privately owned
28 property. The agency shall post informational signs at each trail
29 entrance to notify trail users that the trail crosses privately owned
30 property and that use of the trail is a revocable privilege.

31 NEW SECTION. **Sec. 4.** State agencies shall develop long-term
32 implementation plans and budgets to meet the requirements of section 3
33 of this act for each railroad corridor acquired under the national
34 trails system act. Each plan and budget shall be developed in
35 consultation with an advisory committee composed of owners of
36 properties adjacent to the corridor as well as representatives from
37 trail user groups. Plans and long-term budgets shall be submitted to

1 the appropriate standing committees of the legislature by January 1,
2 1999.

3 NEW SECTION. **Sec. 5.** An owner of property located immediately
4 adjacent to a railroad corridor may register a formal complaint with
5 the state agency managing the corridor regarding compliance with the
6 requirements in section 3 of this act. The complaint shall describe
7 the place and time of any violations, and may include a request that
8 the violation be corrected. Within thirty days of receiving a
9 complaint under this section, state agencies shall respond to the
10 complainant with a plan for meeting the requirement, or, if the agency
11 believes that it is in compliance with the requirement, documentation
12 of such compliance.

13 NEW SECTION. **Sec. 6.** (1) Beginning July 1, 2001, an owner of
14 property located immediately adjacent to a railroad corridor may file
15 an action in the superior court of the county in which the property is
16 located requesting a declaration of whether the state agency managing
17 the railroad corridor is substantially meeting the requirements of
18 section 3 of this act. Except as otherwise provided by this section,
19 an action filed under this section is governed by chapter 7.24 RCW and
20 applicable court rules.

21 (2) The superior court shall hold a hearing on the action within
22 ninety days of the filing of the action, absent a showing of good cause
23 or stipulation of the parties.

24 (3) In an action filed under subsection (1) of this section, if the
25 court determines that the state agency is not substantially meeting the
26 requirements of section 3 of this act, the court shall issue an order
27 to the state agency to expeditiously dispose of any rights to or
28 ownership of the railroad corridor properties within the county in
29 which the petition is filed, pursuant to applicable federal and state
30 requirements. Within thirty days of such order, the agency shall
31 notify the federal surface transportation board under 49 C.F.R. Sec.
32 1152.29, or subsequent regulations, of its intent to terminate trail
33 use and vacate the certificate of interim trail use or notice of
34 interim trail use for the portion of the railroad corridor within the
35 county in which the petition is filed. The state agency shall not file
36 a statement with the federal surface transportation board to transfer

1 responsibility for the affected portion of the railroad corridor to
2 another entity for use as a trail.

3 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
4 a new chapter in Title 81 RCW.

5 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

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