

2 **HB 1550** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 4/15/99

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

7 "**Sec. 1.** RCW 43.51.112 and 1996 c 129 s 2 are each amended to read
8 as follows:

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

11 (2) This section expires July 1, (~~(1999)~~) 2006, if the department
12 of transportation does not enter into a franchise agreement for a rail
13 line over portions of the Milwaukee Road corridor by July 1, (~~(1999)~~)
14 2006.

15 **Sec. 2.** RCW 43.51.1121 and 1996 c 129 s 3 are each amended to read
16 as follows:

17 (1) To facilitate completion of a cross-state trail under the
18 management of the parks and recreation commission, management and
19 control of lands known as the Milwaukee Road corridor shall be
20 transferred between state agencies as follows on the date a franchise
21 agreement is entered into for a rail line over portions of the
22 Milwaukee Road corridor:

23 (a) Portions owned by the state between Ellensburg and the Columbia
24 river that are managed by the parks and recreation commission are
25 transferred to the department of transportation;

26 (b) Portions owned by the state between the west side of the
27 Columbia river and Royal City Junction and between Warden and Lind that
28 are managed by the department of natural resources are transferred to
29 the department of transportation; and

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

33 (2) The department of natural resources and the parks and
34 recreation commission may by mutual agreement transfer the management
35 authority over portions of the Milwaukee Road corridor between their

1 two respective agencies without legislative approval if the portion
2 transferred does not exceed ten miles in length.

3 (3) This section expires July 1, (~~1999~~) 2006, and no transfers
4 shall occur if the department of transportation does not enter into a
5 franchise agreement for a rail line over portions of the Milwaukee Road
6 corridor by July 1, (~~1999~~) 2006.

7 **Sec. 3.** RCW 43.51.113 and 1996 c 129 s 4 are each amended to read
8 as follows:

9 (1) The department of transportation shall negotiate a franchise
10 with a rail carrier to establish and maintain a rail line over portions
11 of the Milwaukee Road corridor owned by the state between Ellensburg
12 and Lind. The department of transportation may negotiate such a
13 franchise with any qualified rail carrier. Criteria for negotiating
14 the franchise and establishing the right of way include:

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

18 (b) Types of payment for use of the franchise, including payment
19 for the use of federally granted trust lands in the transportation
20 corridor;

21 (c) Standards for maintenance of the line;

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

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

31 (f) If any part of the franchise agreement is invalidated by
32 actions or rulings of the federal surface transportation board or a
33 court of competent jurisdiction, the remaining portions of the
34 franchise agreement are not affected;

35 (g) Compliance with environmental standards; and

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

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

1 (3) The department of transportation, in consultation with the
2 parks and recreation commission and the legislative transportation
3 committee, shall negotiate the terms of the franchise, and shall
4 present the agreement to the parks and recreation commission for
5 approval of as to terms and provisions affecting the cross-state trail
6 or affecting the commission.

7 (4) This section expires July 1, (~~(1999)~~) 2006, if the department
8 of transportation does not enter into a franchise agreement for a rail
9 line over portions of the Milwaukee Road corridor by July 1, (~~(1999)~~)
10 2006.

11 **Sec. 4.** RCW 43.51.114 and 1996 c 129 s 5 are each amended to read
12 as follows:

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

22 (2) The department shall deposit franchise fees from use of the
23 rail corridor according to the following priority: (a) To the
24 department of transportation for actual costs incurred in administering
25 the franchise; (b) to the department of natural resources as
26 compensation for use of federally granted trust lands in the rail
27 corridor; (c) to the transportation fund to reimburse any amounts
28 transferred or appropriated from that fund by the legislature for trail
29 development; (d) to the cross-state trail account, not to exceed eleven
30 million five hundred thousand dollars, provided that this amount shall
31 be reduced proportionate with any funds transferred or appropriated by
32 the 1996 legislature or paid from franchise fees for the purchase of
33 federally granted trust lands or for trail development; and (e) the
34 remainder to the essential rail assistance account, created under RCW
35 47.76.250. Expenditures from the cross-state trail account may be used
36 only for the acquisition, development, operation, and maintenance of
37 the cross-state trail. Only the director of the state parks and
38 recreation commission or the director's designee may authorize

1 expenditures from the account. The account is subject to allotment
2 procedures under chapter 43.88 RCW, but no appropriation is required
3 for expenditures.

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

6 (4) The commission shall adopt rules describing the cross-state
7 trail.

8 (5) This section expires July 1, (~~1999~~) 2006, if the department
9 of transportation does not enter into a franchise agreement for a rail
10 line over portions of the Milwaukee Road corridor by July 1, (~~1999~~)
11 2006.

12 **Sec. 5.** 1996 c 129 s 11 (uncodified) is amended to read as follows:
13 Sections 7 and 8, chapter 129, Laws of 1996 expire July 1, (~~1999~~)
14 2006, if the department of transportation does not enter into a
15 franchise agreement for a rail line over portions of the Milwaukee Road
16 corridor by July 1, (~~1999~~) 2006.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately."

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24 In line 2 of the title, after "agreement;" strike the remainder of
25 the title and insert "amending RCW 43.51.112, 43.51.1121, 43.51.113,
26 and 43.51.114; amending 1996 c 129 s 11 (uncodified); providing
27 contingent expiration dates; and declaring an emergency."

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