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HOUSE BILL 1550

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives G. Chandler, Fisher, K. Schmidt and Hankins

Read first time 01/28/1999. Referred to Committee on Transportation.

1            AN ACT Relating to extending the negotiation period for the  
2 Milwaukee Road corridor franchise agreement; amending RCW 43.51.112,  
3 43.51.1121, 43.51.113, and 43.51.114; amending 1996 c 129 s 11  
4 (uncodified); providing contingent expiration dates; and declaring an  
5 emergency.

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

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)~~) 2004, 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 2004.

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

1 control of lands known as the Milwaukee Road corridor shall be  
2 transferred between state agencies as follows on the date a franchise  
3 agreement is entered into for a rail line over portions of the  
4 Milwaukee Road corridor:

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

8 (b) Portions owned by the state between the west side of the  
9 Columbia river and Royal City Junction and between Warden and Lind that  
10 are managed by the department of natural resources are transferred to  
11 the department of transportation; and

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

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

20 (3) This section expires July 1, (~~1999~~) 2004, and no transfers  
21 shall occur if the department of transportation does not enter into a  
22 franchise agreement for a rail line over portions of the Milwaukee Road  
23 corridor by July 1, (~~1999~~) 2004.

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

26 (1) The department of transportation shall negotiate a franchise  
27 with a rail carrier to establish and maintain a rail line over portions  
28 of the Milwaukee Road corridor owned by the state between Ellensburg  
29 and Lind. The department of transportation may negotiate such a  
30 franchise with any qualified rail carrier. Criteria for negotiating  
31 the franchise and establishing the right of way include:

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

35 (b) Types of payment for use of the franchise, including payment  
36 for the use of federally granted trust lands in the transportation  
37 corridor;

38 (c) Standards for maintenance of the line;

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

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

10 (f) If any part of the franchise agreement is invalidated by  
11 actions or rulings of the federal surface transportation board or a  
12 court of competent jurisdiction, the remaining portions of the  
13 franchise agreement are not affected;

14 (g) Compliance with environmental standards; and

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

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

18 (3) The department of transportation, in consultation with the  
19 parks and recreation commission and the legislative transportation  
20 committee, shall negotiate the terms of the franchise, and shall  
21 present the agreement to the parks and recreation commission for  
22 approval of as to terms and provisions affecting the cross-state trail  
23 or affecting the commission.

24 (4) This section expires July 1, (~~(1999)~~) 2004, if the department  
25 of transportation does not enter into a franchise agreement for a rail  
26 line over portions of the Milwaukee Road corridor by July 1, (~~(1999)~~)  
27 2004.

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

30 (1) The cross-state trail account is created in the custody of the  
31 state treasurer. Eleven million five hundred thousand dollars is  
32 provided to the state parks and recreation commission to acquire,  
33 construct, and maintain a cross-state trail. This amount may consist  
34 of: (a) Legislative appropriations intended for trail development; (b)  
35 payments for the purchase of federally granted trust lands; and (c)  
36 franchise fees derived from use of the rail corridor. The legislature  
37 intends that any amounts provided from the transportation fund are to  
38 be repaid to the transportation fund from franchise fees.

1 (2) The department shall deposit franchise fees from use of the  
2 rail corridor according to the following priority: (a) To the  
3 department of transportation for actual costs incurred in administering  
4 the franchise; (b) to the department of natural resources as  
5 compensation for use of federally granted trust lands in the rail  
6 corridor; (c) to the transportation fund to reimburse any amounts  
7 transferred or appropriated from that fund by the legislature for trail  
8 development; (d) to the cross-state trail account, not to exceed eleven  
9 million five hundred thousand dollars, provided that this amount shall  
10 be reduced proportionate with any funds transferred or appropriated by  
11 the 1996 legislature or paid from franchise fees for the purchase of  
12 federally granted trust lands or for trail development; and (e) the  
13 remainder to the essential rail assistance account, created under RCW  
14 47.76.250. Expenditures from the cross-state trail account may be used  
15 only for the acquisition, development, operation, and maintenance of  
16 the cross-state trail. Only the director of the state parks and  
17 recreation commission or the director's designee may authorize  
18 expenditures from the account. The account is subject to allotment  
19 procedures under chapter 43.88 RCW, but no appropriation is required  
20 for expenditures.

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

23 (4) The commission shall adopt rules describing the cross-state  
24 trail.

25 (5) This section expires July 1, (~~1999~~) 2004, if the department  
26 of transportation does not enter into a franchise agreement for a rail  
27 line over portions of the Milwaukee Road corridor by July 1, (~~1999~~)  
28 2004.

29 **Sec. 5.** 1996 c 129 s 11 (uncodified) is amended to read as follows:

30 Sections 7 and 8, chapter 129, Laws of 1996 expire July 1, (~~1999~~)  
31 2004, if the department of transportation does not enter into a  
32 franchise agreement for a rail line over portions of the Milwaukee Road  
33 corridor by July 1, (~~1999~~) 2004.

34 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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