

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1550

56th Legislature
1999 Regular Session

Passed by the House April 19, 1999
Yeas 97 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 15, 1999
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1550** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

Secretary of State
State of Washington

HOUSE BILL 1550

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

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)~~) 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

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~~) 2006, 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~~) 2006.

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)~~) 2006, 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 2006.

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)~~) 2006, 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 2006.

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 2006, 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)~~) 2006.

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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