

SSB 5912 - H COMM AMD  
By Committee on Transportation

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds  
4 that an actively coordinated and cooperatively facilitated railcar pool  
5 for transportation of perishable agricultural commodities is necessary  
6 for the continued viability and competitiveness of Washington's  
7 agricultural industry. The legislature also finds that the rail  
8 transportation model established by the Washington Grain Train program  
9 has been successful in serving the shipping needs of the wheat  
10 industry.

11 It is, therefore, the intent of the legislature to authorize and  
12 direct the Washington department of transportation to develop a railcar  
13 program for Washington's perishable commodity industries to be known as  
14 the Washington Produce Railcar Pool. This railcar program should be  
15 modeled from the Washington Grain Train program, but be made flexible  
16 enough to work with entities outside state government in order to  
17 fulfill its mission, including, but not limited to, the federal and  
18 local governments, commodity commissions, and private entities.

19 NEW SECTION. **Sec. 2.** DEFINITION. As used in this act "short line  
20 railroad" means a Class II or Class III railroad as defined by the  
21 United States Surface Transportation Board.

22 NEW SECTION. **Sec. 3.** DEPARTMENTAL AUTHORITY. In addition to  
23 powers otherwise granted by law, the department may establish a  
24 Washington Produce Railcar Pool to promote viable, cost-effective rail  
25 service for Washington produce, including but not limited to apples,  
26 onions, pears, and potatoes, both processed and fresh.

27 To the extent that funds are appropriated, the department may:

1 (1) Operate the Washington Produce Railcar Pool program while  
2 working in close coordination with the department of agriculture,  
3 interested commodity commissions, port districts, and other interested  
4 parties;

5 (2) For the purposes of this program:

6 (a) Purchase or lease new or used refrigerated railcars;

7 (b) Accept donated refrigerated railcars; and

8 (c) Refurbish and remodel the railcars.

9 (3) Hire, in consultation with affected stakeholders, including but  
10 not limited to short line railroads, commodity commissions, and port  
11 districts, a transportation management firm to perform the function  
12 outlined in section 5 of this act; and

13 (4) Contribute the efforts of a short line rail-financing expert to  
14 find funding for the project to help interested short line railroads in  
15 this state to accomplish the necessary operating arrangements once the  
16 railcars are ready for service.

17 NEW SECTION. **Sec. 4.** FUNDING. To the extent that funds are  
18 appropriated, the department shall fund the program as follows: The  
19 department may accept funding from the federal government, or other  
20 public or private sources, to purchase or lease new or used railcars  
21 and to refurbish and remodel the railcars as needed. Nothing in this  
22 section precludes other entities, including but not limited to short  
23 line railroads, from performing the remodeling under sections 1 through  
24 6 of this act.

25 NEW SECTION. **Sec. 5.** RAILCAR POOL MANAGEMENT. (1) The  
26 transportation management firm hired under section 3(3) of this act  
27 shall manage the day-to-day operations of the railcars, such as  
28 monitoring the location of the cars, returning them to this state,  
29 distributing them, arranging for pretrips and repairs, and arranging  
30 for per diem, mileage allowances, and other freight billing charges  
31 with the railroads.

32 (2) The railcar pool must be managed over the life of the railcars  
33 so that the railcars will be distributed to railroads and port  
34 districts around the state for produce loadings as market conditions

1 warrant or to other users, including out-of-state users by contractual  
2 agreement, during times of excess capacity.

3 (3) To maximize railcar availability and use, the department or the  
4 transportation management firm may make agreements with the  
5 transcontinental railroad systems to pool Washington-owned or  
6 Washington-managed railcars with those of the railroads. In such  
7 instances, the railroad must agree to provide immediately an equal  
8 number of railcars to the Washington railcar pool.

9 (4) The department shall act in an oversight role to verify that  
10 the railcar pool is managed in accordance with subsections (2) and (3)  
11 of this section.

12 NEW SECTION. **Sec. 6.** PRODUCE RAILCAR POOL ACCOUNT. The produce  
13 railcar pool account is created in the custody of the state treasurer.  
14 All receipts from per diem charges, mileage charges, and freight  
15 billing charges paid by railroads and shippers that use the railcars in  
16 the Washington Produce Railcar Pool must be deposited into the account.  
17 Expenditures from the account may be used only for the purposes of  
18 sections 1 through 5 of this act. Only the secretary of transportation  
19 or the secretary's designee may authorize expenditures from the  
20 account. The account is subject to allotment procedures under chapter  
21 43.88 RCW, but an appropriation is not required for expenditures.

22 **Sec. 7.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and  
23 2002 c 61 s 6 are each reenacted and amended to read as follows:

24 (1) Money in the treasurer's trust fund may be deposited, invested,  
25 and reinvested by the state treasurer in accordance with RCW 43.84.080  
26 in the same manner and to the same extent as if the money were in the  
27 state treasury.

28 (2) All income received from investment of the treasurer's trust  
29 fund shall be set aside in an account in the treasury trust fund to be  
30 known as the investment income account.

31 (3) The investment income account may be utilized for the payment  
32 of purchased banking services on behalf of treasurer's trust funds  
33 including, but not limited to, depository, safekeeping, and  
34 disbursement functions for the state treasurer or affected state  
35 agencies. The investment income account is subject in all respects to

1 chapter 43.88 RCW, but no appropriation is required for payments to  
2 financial institutions. Payments shall occur prior to distribution of  
3 earnings set forth in subsection (4) of this section.

4 (4)(a) Monthly, the state treasurer shall distribute the earnings  
5 credited to the investment income account to the state general fund  
6 except under (b) and (c) of this subsection.

7 (b) The following accounts and funds shall receive their  
8 proportionate share of earnings based upon each account's or fund's  
9 average daily balance for the period: The Washington promise  
10 scholarship account, the college savings program account, the  
11 Washington advanced college tuition payment program account, the  
12 agricultural local fund, the American Indian scholarship endowment  
13 fund, the basic health plan self-insurance reserve account, the  
14 Washington state combined fund drive account, the Washington  
15 international exchange scholarship endowment fund, the developmental  
16 disabilities endowment trust fund, the energy account, the fair fund,  
17 the fruit and vegetable inspection account, the game farm alternative  
18 account, the grain inspection revolving fund, the juvenile  
19 accountability incentive account, the produce railcar pool account, the  
20 rural rehabilitation account, the stadium and exhibition center  
21 account, the youth athletic facility account, the self-insurance  
22 revolving fund, the sulfur dioxide abatement account, and the  
23 children's trust fund. However, the earnings to be distributed shall  
24 first be reduced by the allocation to the state treasurer's service  
25 fund pursuant to RCW 43.08.190.

26 (c) The following accounts and funds shall receive eighty percent  
27 of their proportionate share of earnings based upon each account's or  
28 fund's average daily balance for the period: The advanced right of way  
29 revolving fund, the advanced environmental mitigation revolving  
30 account, the city and county advance right-of-way revolving fund, the  
31 federal narcotics asset forfeitures account, the high occupancy vehicle  
32 account, the local rail service assistance account, and the  
33 miscellaneous transportation programs account.

34 (5) In conformance with Article II, section 37 of the state  
35 Constitution, no trust accounts or funds shall be allocated earnings  
36 without the specific affirmative directive of this section.

1        NEW SECTION.   **Sec. 8.**   Section captions used in this act are not  
2 part of the law.

3        NEW SECTION.   **Sec. 9.**   Sections 1 through 6 of this act are each  
4 added to chapter 47.76 RCW."

5        Correct the title.

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