

HOUSE BILL REPORT

HB 2344

As Reported by House Committee On:
Transportation

Title: An act relating to preserving rail corridors.

Brief Description: Preserving rail corridors.

Sponsors: Representatives Wallace, Rodne, Hunter and Kenney.

Brief History:

Committee Activity:

Transportation: 2/6/08 [DP2S].

Brief Summary of Second Substitute Bill

- Requires the Washington State Department of Transportation (DOT), when notified of a proposed rail abandonment, to solicit public comment and convene a review panel composed of a representative from the DOT and the Utilities and Transportation Commission, local government, and legislators.
- Requires a city or county's comprehensive plan to include an inventory of active and inactive rail corridors and provide for the preservation of rail corridors for future rail use.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 22 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Dickerson, Eddy, Herrera, Kristiansen, Loomis, Rodne, Rolfes, Sells, Simpson, Smith, Springer, Takko, Wallace, Warnick, Williams and Wood.

Minority Report: Do not pass. Signed by 2 members: Representatives Jarrett and Upthegrove.

Staff: Teresa Berntsen (786-7301).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Rail Abandonment

When a railroad files with the federal government for permission to abandon a rail line, they also notify the state. Current law says the Washington State Department of Transportation (DOT) will analyze alternatives to abandonments when feasible, and facilitate a review to see if it is in the state's interest for the rail to stay in public ownership.

Land Use

A city or county's comprehensive plan must include a transportation element, which must include an inventory of transportation facilities and services.

Residential Property Transfers

When selling a residential property, the seller must generally complete a seller disclosure statement that contains elements required by law. The statement must include questions regarding the property's title, including questions about encroachment, boundaries, right of ways, and easements.

Summary of Second Substitute Bill:

Rail Abandonment

The DOT, when notified of a proposed rail abandonment, must solicit public comment and convene a review panel composed of a representative from the DOT and the Utilities and Transportation Commission (UTC), local government, and legislators. The panel must advise the DOT on its requirement to evaluate alternatives to abandonment prior to proceedings of the federal Surface Transportation Board, and evaluate costs and benefits associated with returning the rail corridor to future rail use.

If the panel finds that the proposed abandonment would adversely affect the area being served, the DOT must transmit a report of its findings to the federal Surface Transportation Board.

Land Use

The transportation element of a city or county's comprehensive plan must include an inventory of active and inactive rail corridors and must provide for and encourage the preservation of these corridors for future rail use.

Residential Property Transfers

The disclosure statement generally required by law when selling a residential property is revised to include a question that asks if the property abuts an active or inactive rail corridor that is being preserved for future rail purposes.

Second Substitute Bill Compared to Original Bill:

The requirement for legislative approval before selling, surplusizing, or initiating a change of use of a rail corridor is removed.

A requirement is added for the DOT, when notified of a proposed rail abandonment, to solicit public comment and convene a review panel composed of a representative from the DOT and the UTC, local government, and legislators. The panel must advise the DOT on its requirement to evaluate alternatives to abandonment prior to proceedings of the federal Surface Transportation Board, and evaluate costs and benefits associated with returning the rail corridor to future rail use.

If the panel finds that the proposed abandonment would adversely affect the area being served, the DOT must transmit a report of its findings to the federal Surface Transportation Board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill sets forth the policy that the state believes the preservation of rail corridors is important, and that public input into any attempt to remove an existing rail corridor is critical. Removing a potentially viable and intact rail corridor is not in the public interest. The state has an obligation to protect rail corridors.

(Opposed) None.

Persons Testifying: Representative Rodne, prime sponsor; Lloyd H. Flem, All Aboard Washington; and Bill Stauffacher, Burlington Northern Santa Fe Railway.

Persons Signed In To Testify But Not Testifying: None.