

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: 2/26/07, 3/1/07 [DPS].

Brief Summary of Substitute Bill

- Requires the 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 substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Curtis, Dickerson, Eddy, Ericksen, Hailey, Hankins, Hudgins, Kristiansen, Lovick, Rodne, Rolfes, Sells, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Jarrett, Ranking Minority Member.

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 Funding

Public funding for rail has historically been provided through a mix of state, federal, and local funding. State funding is generally provided by the Legislature through programs administered by the DOT and the Freight Mobility Strategic Investment Board (FMSIB).

Legislative approval is not required to sell, surplus, or change the use of a public or private rail corridor. If a public or private entity seeks state funds to sell, surplus, or change the use of a rail corridor, that entity would generally request funds through the programs administered by the DOT and the FMSIB.

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 Substitute Bill:

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, 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.

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.

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.

Substitute Bill Compared to Original Bill:

The requirement for Legislative approval before selling, surplus, 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 Utilities and Transportation Commission, 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: Available.

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

Staff Summary of Public Testimony:

(In support) Rail corridors are valuable to the state, and expensive to reinstate if sold. It is important to notify the public when rail corridors undergo a change of use. It is not in the state's interest for rail corridors to be turned into recreational trails. Legislative oversight of rail corridors would be helpful in creating certainty for businesses and customers that use the rail.

(With concerns) The bill would affect the ability of private companies to sell a rail corridor. Selling inactive rail corridors for public use can help preserve the corridor for future rail use. This legislation could affect rail lines that have not received state funding.

Persons Testifying: (In support) Representative Wallace, prime sponsor; Lloyd Flem, All Aboard Washington; Heather Hanson, Washington Association of Wheat Growers; and Pat Boss, Spirit of Washington Dinner Train and Woodinville-Snohomish Rail Preservation Coalition.

(With concerns) Bill Stauffacher, Burlington Northern Santa Fe Railway; David Hiller, Cascade Bicycle Club; and Bob Mack, City of Tacoma.

Persons Signed In To Testify But Not Testifying: None.