

# HOUSE BILL REPORT

## HB 2225

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### As Passed Legislature

**Title:** An act relating to the Milwaukee Road corridor.

**Brief Description:** Concerning the Milwaukee Road corridor.

**Sponsors:** Representatives Manweller, Senn, Magendanz, Fey, Tharinger, Fitzgibbon and Roberts; by request of Parks and Recreation Commission.

#### **Brief History:**

##### **Committee Activity:**

Environment: 1/17/14, 1/21/14 [DP].

##### **Floor Activity:**

Passed House: 2/17/14, 97-0.

Passed Senate: 3/6/14, 48-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Repeals the State Parks and Recreation Commission's (State Parks) management duties that are specific to the Milwaukee Road corridor.
- Authorizes the State Parks authority to manage the Milwaukee Road corridor in the same manner as other recreational trails.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** Do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Farrell, Fey, Harris, Kagi, Nealey, Overstreet and Tharinger.

**Staff:** Megan Mulvihill (786-7291) and Jacob Lipson (786-7196).

#### **Background:**

[Milwaukee Road Corridor History.](#)

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*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.*

The Milwaukee Road corridor, also known as the Iron Horse State Park and John Wayne Pioneer Trail, is a 213-mile recreational trail stretching from the eastern outskirts of Seattle to the Idaho border. In 1981 Washington purchased the corridor from the Milwaukee Railroad Company and converted it to a recreational trail.

The management authority over a section of the corridor referred to as the Iron Horse State Park, along with additional sidings which are areas for camping and climbing, were transferred from the Department of Natural Resources to the State Parks and Recreation Commission (State Parks) in 1984. Besides the Milwaukee Road corridor, State Parks manages four other Washington rails-to-trails. State Parks defines rail trails as nontraditional park lands, due to the different attributes and management conditions. State Parks policy is to be more flexible in permitting nonrecreational uses such as recognizing existing rights or allowing occasional motorized vehicle use on nontraditional park lands.

#### Milwaukee Road Corridor Management Provisions.

In managing the Milwaukee Road corridor, State Parks has mandatory duties and additional discretionary provisions. The state must:

- close the corridor to hunting;
- exclude motorized vehicles except for emergency vehicles and those necessary for maintenance and utility lines;
- comply with the corridor's deed;
- control weeds;
- clean and maintain culverts; and
- identify opportunities and encourage volunteer work, private contributions, and support to maintain the recreational trail.

In addition, State Parks may do the following:

- enter into agreements to allow realignment or modification of public roads, farm crossings, water conveyance facilities, and other utility crossings;
- regulate and restrict uses;
- place hazard warning signs and close hazardous structures;
- renegotiate deed restrictions;
- approve and process the sale or exchange of lands or easements if it does not adversely affect the recreational purpose; and
- limit recreational access to permit holders issued by State Parks.

#### **Summary of Bill:**

State Parks must manage the Milwaukee Road corridor in the same manner as the other recreational trails under its jurisdiction. The specific Milwaukee Road corridor provisions are repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There are five historic railroad right-of-ways in Washington. Of the five, only a portion of the Iron Horse State Park along the corridor is subject to provisions. The principal use of the corridors is nonmotorized use; however, a reasonable and low impact use of motorized vehicles in a manner that would be allowed on other rail trails is favored.

Washington has very old railroad tracks that go through the middle of people's properties. When these railroads were converted to rail trails, the properties remained but agricultural vehicles cannot cross them. Since the Milwaukee Road corridor was the first rail trail, rules were created regarding how to manage it. Now, negotiations with farmers cannot occur because of these rules. It would be helpful if farmers could go along the corridor to access different parts of their fields. Per a stakeholder meeting, it was decided the best solution was to eliminate those arcane statutes and treat the trail as any other rail trail. Concessions could be established to allow reasonable use of motorized vehicles.

In addition, the Americans with Disabilities Act causes the Milwaukee road corridor provisions to be out of compliance with federal law.

It is not expected that this bill would have a fiscal impact because farmers would be paying a fee to access the land. The bill is expected to be revenue neutral because the small costs would be offset by the incoming fees.

(Opposed) None.

**Persons Testifying:** Representative Manweller, prime sponsor; and Daniel Farber, Washington State Parks and Recreation Commission.

**Persons Signed In To Testify But Not Testifying:** None.