

SB 6363 - H COMM AMD
By Committee on Transportation

ADOPTED 03/02/2018

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

3 "Sec. 1. RCW 79A.05.115 and 2009 c 338 s 1 are each amended to
4 read as follows:

5 ((~~1~~)) The commission shall develop and maintain a cross-state
6 trail facility with appropriate appurtenances.

7 ((~~2~~) This section expires July 1, 2019, unless the department of
8 transportation enters into a franchise agreement for a rail line over
9 any of the portions of the Milwaukee Road corridor between Ellensburg
10 and Marengo by July 1, 2019.))

11 Sec. 2. RCW 79A.05.120 and 2009 c 338 s 2 are each amended to
12 read as follows:

13 (1) To facilitate completion of a cross-state trail under the
14 management of the parks and recreation commission, management and
15 control of lands known as the Milwaukee Road corridor shall be
16 transferred between state agencies as follows on the date a franchise
17 agreement is entered into for a rail line over portions of the
18 Milwaukee Road corridor:

19 (a) Portions owned by the state between Ellensburg and the
20 Columbia river that are managed by the parks and recreation
21 commission are transferred to the department of transportation;

22 (b) Portions owned by the state between the west side of the
23 Columbia river and Royal City Junction and between Warden and Lind
24 that are managed by the department of natural resources are
25 transferred to the department of transportation;

26 (c) Portions owned by the state between Lind and the Idaho border
27 that are managed by the department of natural resources are
28 transferred to the parks and recreation commission as of June 7,
29 2006; and

30 (d) Portions owned by the state between Lind and Marengo are
31 transferred to the department of transportation.

1 (2) The department of natural resources may, by mutual agreement
2 with the parks and recreation commission, transfer management
3 authority over portions of the Milwaukee Road corridor to the state
4 parks and recreation commission, at any time prior to the department
5 of transportation entering into a franchise agreement.

6 (3) (~~This section expires July 1, 2019, and~~) No transfers shall
7 occur unless the department of transportation enters into a franchise
8 agreement for a rail line over any of the portions of the Milwaukee
9 Road corridor between Ellensburg and Marengo (~~by July 1, 2019~~).

10 **Sec. 3.** RCW 79A.05.125 and 2009 c 338 s 3 are each amended to
11 read as follows:

12 (1) The department of transportation shall negotiate one or more
13 franchises with rail carriers to establish and maintain a rail line
14 over portions of the Milwaukee Road corridor owned by the state
15 between Ellensburg and Marengo. The department of transportation may
16 negotiate such a franchise with any qualified rail carrier. Criteria
17 for negotiating the franchise and establishing the right-of-way
18 include:

19 (a) Assurances that resources from the franchise will be
20 sufficient to compensate the state for use of the property, including
21 completion of a cross-state trail between Easton and the Idaho
22 border;

23 (b) Types of payment for use of the franchise, including payment
24 for the use of federally granted trust lands in the transportation
25 corridor;

26 (c) Standards for maintenance of the line;

27 (d) Provisions ensuring that both the conventional and intermodal
28 rail service needs of local shippers are met. Such accommodations may
29 comprise agreements with the franchisee to offer or maintain adequate
30 service or to provide service by other carriers at commercially
31 reasonable rates;

32 (e) Provisions requiring the franchisee, upon reasonable request
33 of any other rail operator, to provide rail service and interchange
34 freight over what is commonly known as the Stampede Pass rail line
35 from Cle Elum to Auburn at commercially reasonable rates;

36 (f) If any part of the franchise agreement is invalidated by
37 actions or rulings of the federal surface transportation board or a
38 court of competent jurisdiction, the remaining portions of the
39 franchise agreement are not affected;

1 (g) Compliance with environmental standards; and

2 (h) Provisions for insurance and the coverage of liability.

3 (2) The franchise may provide for periodic review of financial
4 arrangements under the franchise.

5 (3) The department of transportation, in consultation with the
6 parks and recreation commission and the senate and house
7 transportation committees, shall negotiate the terms of the
8 franchise, and shall present the agreement to the parks and
9 recreation commission for approval of as to terms and provisions
10 affecting the cross-state trail or affecting the commission.

11 ~~((4) This section expires July 1, 2019, unless the department of
12 transportation enters into a franchise agreement for a rail line over
13 any of the portions of the Milwaukee Road corridor between Ellensburg
14 and Marengo by July 1, 2019.))~~

15 **Sec. 4.** RCW 79A.05.130 and 2009 c 338 s 4 are each amended to
16 read as follows:

17 (1) The cross-state trail account is created in the custody of
18 the state treasurer. Eleven million five hundred thousand dollars is
19 provided to the state parks and recreation commission to acquire,
20 construct, and maintain a cross-state trail. This amount may consist
21 of: (a) Legislative appropriations intended for trail development;
22 (b) payments for the purchase of federally granted trust lands; and
23 (c) franchise fees derived from use of the rail corridor. The
24 legislature intends that any amounts provided from the transportation
25 fund are to be repaid to the transportation fund from franchise fees.

26 (2) The department shall deposit franchise fees from use of the
27 rail corridor according to the following priority: (a) To the
28 department of transportation for actual costs incurred in
29 administering the franchise; (b) to the department of natural
30 resources as compensation for use of federally granted trust lands in
31 the rail corridor; (c) to the transportation fund to reimburse any
32 amounts transferred or appropriated from that fund by the legislature
33 for trail development; (d) to the cross-state trail account, not to
34 exceed eleven million five hundred thousand dollars, provided that
35 this amount shall be reduced proportionate with any funds transferred
36 or appropriated by the 1996 legislature or paid from franchise fees
37 for the purchase of federally granted trust lands or for trail
38 development; and (e) the remainder to the essential rail assistance
39 account, created under RCW 47.76.250. Expenditures from the cross-

1 state trail account may be used only for the acquisition,
2 development, operation, and maintenance of the cross-state trail.
3 Only the director of the state parks and recreation commission or the
4 director's designee may authorize expenditures from the account. The
5 account is subject to allotment procedures under chapter 43.88 RCW,
6 but no appropriation is required for expenditures.

7 (3) The commission may acquire land from willing sellers for the
8 cross-state trail, but not by eminent domain.

9 (4) The commission shall adopt rules describing the cross-state
10 trail.

11 ~~((5) This section expires July 1, 2019, unless the department of
12 transportation enters into a franchise agreement for a rail line over
13 any of the portions of the Milwaukee Road corridor between Ellensburg
14 and Marengo by July 1, 2019.))~~

15 **Sec. 5.** RCW 79.73.010 and 2003 c 334 s 456 are each amended to
16 read as follows:

17 Except as provided in chapter 79A.05 RCW, the portion of the
18 Milwaukee Road corridor from the west end of the bridge structure
19 over the Columbia river, which point is located in section 34,
20 township 16 north, range 23 east, W.M., to the Idaho border purchased
21 by the state shall be under the management and control of the
22 department."

23 Correct the title.

EFFECT: Provides clarification that the designated portion of the
Milwaukee Road corridor must be managed and controlled by the
Department of Natural Resources (DNR) only to the extent that this
management and control does not conflict with state law governing the
transfer of portions of this corridor to another state agency related
to the Washington State Department of Transportation entering into a
franchise agreement for the operation of a rail line on a portion of
the corridor, or as otherwise specified in related provisions.

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