
SENATE BILL 6518

State of Washington 54th Legislature 1996 Regular Session

By Senators Fraser, Owen, Deccio, Schow, Thibaudeau, Moyer, Heavey, McAuliffe and Drew; by request of Governor Lowry

Read first time 01/16/96. Referred to Committee on Transportation.

1 AN ACT Relating to completing a cross-state trail system by
2 changing management and control of property and establishing a
3 franchise for rail line rights of way; amending RCW 43.51.405 and
4 79.08.275; adding new sections to chapter 43.51 RCW; creating new
5 sections; making appropriations; providing an effective date; and
6 providing contingent expiration dates.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature intends to complete a cross-
9 state trail system while maintaining long-term ownership of the
10 Milwaukee Road corridor. In order to accomplish this, it will be
11 beneficial to change the management and control of certain portions of
12 the Milwaukee Road corridor currently managed and controlled by several
13 state agencies and to provide a franchise to establish and maintain a
14 rail line. It is the intent of the legislature that if a franchise is
15 not agreed upon, no changes in the current management and control shall
16 occur.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.51 RCW
18 to read as follows:

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

3 (2) This section expires July 1, 1999, if the department of natural
4 resources does not enter into a franchise agreement for a rail line
5 over portions of the Milwaukee Road corridor by July 1, 1999.

6 NEW SECTION. **Sec. 3.** (1) To facilitate completion of a cross-
7 state trail under the management of the parks and recreation
8 commission, management and control of lands known as the Milwaukee Road
9 corridor shall be transferred between state agencies as follows on the
10 date a franchise agreement is entered into for a rail line over
11 portions of the Milwaukee Road corridor:

12 (a) Portions owned by the state between Ellensburg and the Columbia
13 river that are managed by the parks and recreation commission are
14 transferred to the department of natural resources;

15 (b) Portions owned by the state between Royal City Junction and
16 Othello that are managed by the department of transportation are
17 transferred to the department of natural resources; and

18 (c) Portions owned by the state between Lind and the Idaho border
19 that are managed by the department of natural resources are transferred
20 to the parks and recreation commission.

21 (2) The department of natural resources and the parks and
22 recreation commission may by mutual agreement transfer the management
23 authority over portions of the Milwaukee Road corridor between their
24 two respective agencies without legislative approval if the portion
25 transferred does not exceed ten miles in length.

26 (3) This section expires July 1, 1999, and no transfers shall occur
27 if the department of natural resources does not enter into a franchise
28 agreement for a rail line over portions of the Milwaukee Road corridor
29 by July 1, 1999.

30 NEW SECTION. **Sec. 4.** (1) The department of natural resources
31 shall negotiate a franchise with a rail carrier to establish and
32 maintain a rail line over portions of the Milwaukee Road corridor owned
33 by the state between Ellensburg and Lind. The department of natural
34 resources may negotiate such a franchise with any qualified rail
35 carrier. Criteria for negotiating the franchise and establishing the
36 right of way include:

1 (a) Assurances that resources from the franchise will be sufficient
2 to compensate the state for use of the property, including completion
3 of a cross-state trail;

4 (b) Types of payment for use of the franchise;

5 (c) Standards for maintenance of the line;

6 (d) Access issues, including consideration of the potential
7 benefits to be derived from access by various and competitive rail
8 carriers;

9 (e) Compliance with environmental standards; and

10 (f) Provisions for insurance and the coverage of liability.

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

13 (3) The department of natural resources shall negotiate the terms
14 of the franchise, and shall present the agreement to the department of
15 transportation and the parks and recreation commission for approval.

16 (4) This section expires July 1, 1999, if the department of natural
17 resources does not enter into a franchise agreement for a rail line
18 over portions of the Milwaukee Road corridor by July 1, 1999.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.51 RCW
20 to read as follows:

21 (1) The cross-state trail account is created in the custody of the
22 state treasurer. The department of natural resources shall deposit
23 revenues from franchise fees collected for use of the state's Milwaukee
24 Road corridor into the account, except for revenues derived from
25 federally granted trust lands. The department of natural resources may
26 retain an administrative fee to cover actual costs of administering the
27 franchise. Expenditures from the account may be used only for the
28 acquisition, development, operation, and maintenance of the cross-state
29 trail. Only the director of the state parks and recreation commission
30 or the director's designee may authorize expenditures from the account.
31 The account is subject to allotment procedures under chapter 43.88 RCW,
32 but no appropriation is required for expenditures.

33 (2) The commission may acquire land from willing sellers for the
34 cross-state trail, but not by eminent domain.

35 (3) The commission shall adopt rules describing the cross-state
36 trail.

1 (4) This section expires July 1, 1999, if the department of natural
2 resources does not enter into a franchise agreement for a rail line
3 over portions of the Milwaukee Road corridor by July 1, 1999.

4 NEW SECTION. **Sec. 6.** (1) Before entering into a final agreement
5 to issue a franchise negotiated in accordance with section 4 of this
6 act, the department of natural resources shall submit the franchise to
7 the legislature for approval by concurrent resolution.

8 (2) If the department of natural resources has not entered into a
9 final agreement to franchise a rail line over portions of the Milwaukee
10 Road corridor by December 1, 1998, a report of the progress and
11 obstacles to such an agreement shall be made. The report shall be
12 submitted by December 15, 1998, to appropriate committees of the
13 legislature.

14 **Sec. 7.** RCW 43.51.405 and 1989 c 129 s 1 are each amended to read
15 as follows:

16 Except as provided in sections 3 and 4 of this act, management
17 control of the portion of the Milwaukee Road corridor, beginning at the
18 western terminus near Easton and concluding at the west end of the
19 bridge structure over the Columbia river, which point is located in
20 section 34, township 16 north, range 23 east, W.M., inclusive of the
21 northerly spur line therefrom, shall be transferred by the department
22 of natural resources to the state parks and recreation commission at no
23 cost to the commission.

24 **Sec. 8.** RCW 79.08.275 and 1989 c 129 s 2 are each amended to read
25 as follows:

26 Except as provided in sections 3 and 4 of this act, the portion of
27 the Milwaukee Road corridor from the west end of the bridge structure
28 over the Columbia river, which point is located in section 34, township
29 16 north, range 23 east, W.M., to the Idaho border purchased by the
30 state shall be under the management and control of the department of
31 natural resources.

32 NEW SECTION. **Sec. 9.** (1) The sum of dollars, or as
33 much thereof as may be necessary, is appropriated for the biennium
34 ending June 30, 1997, from the general fund to the parks and recreation
35 commission for trail planning under this act.

1 (2) The sum of dollars, or as much thereof as may be
2 necessary, is appropriated for the biennium ending June 30, 1997, from
3 the general fund to the department of natural resources for franchise
4 development and planning under this act.

5 (3) The sum of dollars, or as much thereof as may be
6 necessary, is appropriated for the biennium ending June 30, 1997, from
7 the general fund to the department of transportation for rail planning
8 under this act.

9 NEW SECTION. **Sec. 10.** This act shall take effect July 1, 1996.

10 NEW SECTION. **Sec. 11.** Sections 7 and 8, chapter . . . , Laws of
11 1996 (sections 7 and 8 of this act) expire July 1, 1999, if the
12 department of natural resources does not enter into a franchise
13 agreement for a rail line over portions of the Milwaukee Road corridor
14 by July 1, 1999.

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