

# HOUSE BILL REPORT

## HB 1717

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### As Amended by the Senate

**Title:** An act relating to extending the time period for a franchise agreement for a rail line over the Milwaukee Road corridor.

**Brief Description:** Extending the time period for the department of transportation to enter into an agreement for a rail line over the Milwaukee Road corridor.

**Sponsors:** Representatives Clibborn, Armstrong, Wood, Warnick and Klippert.

#### Brief History:

##### Committee Activity:

Transportation: 2/10/09, 2/17/09 [DP].

##### Floor Activity

Passed House: 3/3/09, 97-0.

Senate Amended.

Passed Senate: 4/9/09, 45-0.

#### Brief Summary of Bill

- Extends the deadline for the Washington State Department of Transportation to enter into a franchise agreement with a rail carrier to operate service over the line from Ellensburg to Lind to July 1, 2019.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 22 members: Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Armstrong, Campbell, Cox, Driscoll, Eddy, Ericksen, Finn, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Rolfes, Sells, Shea, Simpson, Wallace and Wood.

**Staff:** Teresa Berntsen (786-7301)

#### Background:

In 1980 the Milwaukee Road railroad declared bankruptcy, sold some of its properties, and salvaged its track. In 1981 the Legislature appropriated \$3.5 million to purchase 213 miles

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of the railroad's right-of-way in eastern Washington.

The right-of-way owned by the state was eventually put under the management and control of three state agencies: the Washington State Parks and Recreation Commission, the Department of Natural Resources (DNR), and the Washington State Department of Transportation (WSDOT).

During the 1995 legislative interim, the Legislative Transportation Committee convened a Freight Rail and Freight Mobility Task Force to examine the Milwaukee Road corridor's potential for relieving freight congestion. The task force recommended resuming freight rail service over the portion of the former Milwaukee Road railroad running from Ellensburg to Lind.

Legislation in 1996 consolidated state-owned portions of the former Milwaukee Road railroad from Ellensburg to Lind into a single owner, the WSDOT. The WSDOT was charged with management and control of this corridor, and was authorized to negotiate a franchise agreement with a qualified rail carrier to operate service over the line.

The legislation creating the consolidated transportation corridor was to sunset if the WSDOT did not enter into a franchise agreement by July 1, 1999. Management of the trail between Ellensburg and Lind would revert back to the three state agencies. In 1999 the Legislature extended the deadline for the WSDOT to enter into a franchise agreement to July 1, 2006. In 2006 the Legislature extended the deadline to July 1, 2009.

**Summary of Bill:**

The deadline for the WSDOT to enter into a franchise agreement with a qualified rail carrier to operate service over the line from Ellensburg to Lind is extended to July 1, 2019.

**EFFECT OF SENATE AMENDMENT(S):**

Portions of the Milwaukee Rail corridor between Lind and Marengo are transferred to the Department of Transportation, and added to the segments for which the Department must negotiate rail service. The effective date is changed to June 30, 2009.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect July 1, 2009.

**Staff Summary of Public Testimony:**

(In support) This bill maintains the long-term strategic interests of the state by keeping open the option to reinstate freight rail service on a line of potential future significance. Maintaining freight rail is a climate action strategy because rail is an efficient way of moving goods.

(Neutral) The Washington State Parks and Recreation Commission hopes that any future options for the rail line will also maintain a recreational option.

(Opposed) None.

**Persons Testifying:** (In support) Representative Clibborn, prime sponsor; Eric Johnson, Washington Public Ports Association; Terry Finn, Burlington Northern Santa Fe Railway; and Andrew Wood, Washington State Department of Transportation.

(Neutral) Fred Romero, Washington State Parks and Recreation Commission.

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