
SUBSTITUTE SENATE BILL 6518

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Fraser, Owen, Deccio, Schow, Thibaudeau, Moyer, Heavey, McAuliffe and Drew; by request of Governor Lowry)

Read first time 02/06/96.

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; providing an effective date; and providing contingent
6 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
4 transportation does not enter into a franchise agreement for a rail
5 line 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 transportation; and

15 (b) Portions owned by the state between Lind and the Idaho border
16 that are managed by the department of natural resources are transferred
17 to the parks and recreation commission.

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

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

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

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

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

- 1 (c) Standards for maintenance of the line;
- 2 (d) Access issues, including consideration of the potential
3 benefits to be derived from access by various and competitive rail
4 carriers;
- 5 (e) Compliance with environmental standards; and
- 6 (f) Provisions for insurance and the coverage of liability.
- 7 (2) The franchise may provide for periodic review of financial
8 arrangements under the franchise.
- 9 (3) The department of transportation, in consultation with the
10 parks and recreation commission and the legislative transportation
11 committee, shall negotiate the terms of the franchise, and shall
12 present the agreement to the parks and recreation commission for
13 approval of as to terms and provisions affecting the cross-state trail
14 or the commission.
- 15 (4) This section expires July 1, 1999, if the department of
16 transportation does not enter into a franchise agreement for a rail
17 line over portions of the Milwaukee Road corridor by July 1, 1999.

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

- 20 (1) The cross-state trail account is created in the custody of the
21 state treasurer. The department of transportation shall deposit
22 revenues from fees collected for use of the state's Milwaukee Road
23 corridor into the account until the parks and recreation commission has
24 received adequate funds to (a) replace portions of land converted to
25 rail use; (b) acquire necessary properties to complete the cross-state
26 trail between Easton and the Idaho border; and (c) provide maintenance
27 on the cross-state trail over the term of the franchise agreement. The
28 department of transportation may retain an administrative fee to cover
29 the actual costs of administering the franchise. Any residual amount
30 shall be deposited into the essential rail assistance account, created
31 under RCW 47.76.250. Expenditures from the account may be used only
32 for the acquisition, development, operation, and maintenance of the
33 cross-state trail. Only the director of the state parks and recreation
34 commission or the director's designee may authorize expenditures from
35 the account. The account is subject to allotment procedures under
36 chapter 43.88 RCW, but no appropriation is required for expenditures.
- 37 (2) The commission may acquire land from willing sellers for the
38 cross-state trail, but not by eminent domain.

1 (3) The commission shall adopt rules describing the cross-state
2 trail.

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

6 NEW SECTION. **Sec. 6.** (1) Before entering into a final agreement
7 to issue a franchise negotiated in accordance with section 4 of this
8 act, the department of transportation shall submit the franchise to the
9 legislative transportation committee for review and approval.

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

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

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

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

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

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

1 NEW SECTION. **Sec. 10.** Sections 7 and 8, chapter . . ., Laws of
2 1996 (sections 7 and 8 of this act) expire July 1, 1999, if the
3 department of transportation does not enter into a franchise agreement
4 for a rail line over portions of the Milwaukee Road corridor by July 1,
5 1999.

6 NEW SECTION. **Sec. 11.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

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