

SENATE BILL REPORT

SSB 6527

As Passed Senate, February 14, 2006

Title: An act relating to the Milwaukee Road cross-state trail.

Brief Description: Extending the negotiation period for the Milwaukee Road trail.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Mulliken, Haugen and Sheldon; by request of Department of Transportation).

Brief History:

Committee Activity: Transportation: 1/16/06, 1/26/06 [DPS].

Passed Senate: 2/14/06, 46-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Benton, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Sheldon, Spanel, Swecker and Weinstein.

Staff: Dory On (786-7321)

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 the right of way in eastern Washington.

The right of way owned by the state was eventually put under the management and control of three different state agencies: State Parks and Recreation Commission, Department of Natural Resources (DNR), and the Department of Transportation (WSDOT). It was originally envisioned that the entire right of way would form a cross-state recreational trail.

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

In order to resume rail service, a unified transportation corridor was created. State-owned portions of land running from Ellensburg to Lind were consolidated into a single owner, WSDOT. The WSDOT was charged with management and control of the corridor, and was directed to negotiate a franchise agreement with a qualified rail carrier to operate service over the line.

Since the new transportation corridor would interfere with the cross-state trail use, the State Parks and Recreation Commission was directed to establish a "replacement trail" once the

WSDOT entered into a franchise agreement for the provision of rail service in the new corridor.

If WSDOT does not enter into a franchise agreement by July 1, 2006, the legislation creating this consolidated transportation corridor sunsets, and management of the trail between Ellensburg and Lind reverts back to the three state agencies.

Summary of Bill: The deadline for WSDOT to enter into a franchise agreement for rail service over the Ellensburg to Lind portion of the old Milwaukee Road corridor is extended three more years.

If an agreement is not entered into by July 1, 2009, the transportation corridor will revert to the prior ownership and management by the WSDOT, State Parks and Recreation Commission, and DNR.

The DNR is authorized to transfer management authority of the transportation corridor to the State Parks and Recreation Commission, upon mutual agreement of the agencies.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Given the growth in freight rail traffic over the past four years, this rail corridor right of way is a strategic value to the state to meet our future economic needs. Washington Ports future success is dependant on preserving this rail corridor.

Testimony Other: Continued indecision over whether this right of way will be used as a rail corridor or as a trail impedes current attempts at planning for and constructing a trail system along this corridor. The Parks and Recreation Commission's Centennial Plan calls for the construction of one thousand miles of new trail by 2013. To accomplish this goal the Commission needs to be able to plan for investment in and development of trail systems. The extension of the time line only continues the status quo and delays, yet again, a final answer to the question of how this corridor will be used in the future.

Who Testified: PRO: Jennifer Ziegler, Washington State Department of Transportation; Andrew Johnsen, BNSF Railway; Pat Jones, Washington Public Ports Association.

OTHER: Doug Sutherland, Commissioner of Public Lands; Fred Romero, Washington State Parks and Recreation Commission; Jim King, Citizens for Parks & Recreation.

House Amendment(s): The transfer of the portion of the rail corridor between Lind and the Idaho border from WSDOT to the State Parks and Recreation Commission takes effect as of the effective date of the act. The application of the sunset clause is clarified to refer specifically to the portions of the Milwaukee Road corridor between Ellensburg and Lind.