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**SUBSTITUTE SENATE BILL 5519**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Newhouse, Matson, Hansen, Jesernig and Barr).

Read first time March 1, 1991.

1       AN ACT Relating to the Stampede Pass rail line; adding new sections  
2 to chapter 47.76 RCW; and declaring an emergency.

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

4       NEW SECTION.   **Sec. 1.**       The legislature finds that the railroad  
5 line over Stampede Pass that connects Auburn in King County to Cle Elum  
6 in Kittitas County is a valuable transportation link between western  
7 and eastern Washington. It is threatened with immediate abandonment by  
8 the owning carrier, and loss of the corridor would restrict future  
9 cross-state mobility and economic development options for eastern  
10 Washington. The legislature recognizes the multiple use opportunities  
11 and values of this route, including fiber optics and other  
12 communication lines, a transportation corridor, recreational use, and  
13 a high-speed rail route. It also recognizes that this route passes  
14 through Tacoma's Green river watershed which provides drinking water to

1 nearly two hundred fifteen thousand persons and must be protected from  
2 contamination.

3 NEW SECTION. **Sec. 2.** The department of transportation shall  
4 monitor the actions of the rail carrier owning the railroad line over  
5 Stampede Pass. After the owning rail carrier files an application with  
6 the interstate commerce commission to abandon the Stampede Pass rail  
7 line or portions of it, the department shall in conjunction with the  
8 city of Tacoma, negotiate to purchase the right of way and track  
9 elements. Funds to purchase the right of way and track elements shall  
10 be expended from the essential rail banking account under the  
11 requirements of RCW 47.76.140. The department shall confer with the  
12 city of Tacoma to develop appropriate restrictions on rail haul  
13 designed to protect Tacoma's Green river water supply.

14 NEW SECTION. **Sec. 3.** The department may seek to reestablish  
15 rail service over any line that it acquires under this chapter. By  
16 competitive bidding, the department may enter into a renewable  
17 agreement with a rail service provider or first class city, county rail  
18 district, or port district, which may contract for this rail service  
19 with a common carrier railroad subject to interstate commerce  
20 commission regulations. The department shall ensure that the first  
21 class city, county rail district, port district, or rail service  
22 provider reimburses the state for the following costs:

- 23 (1) Track and structure rehabilitation costs paid by the state,  
24 amortized over a fifteen-year recovery period;
- 25 (2) Normalized maintenance of way costs;
- 26 (3) Fire and weed control costs;
- 27 (4) Liability insurance;

1 (5) Appropriate interest determined by the state treasurer  
2 calculated on the state's purchase price.

3 NEW SECTION. **Sec. 4.** An entity that acquires a rail right of  
4 way using funds from the essential rail banking account and  
5 subsequently uses the right of way for purposes other than rail  
6 service, shall pay an annual fee to the department. The department  
7 shall establish by rule a fee structure that recovers costs to the  
8 extent practical but does not discourage appropriate uses of the right  
9 of way.

10 NEW SECTION. **Sec. 5.** The department shall pursue all sources  
11 of funding, public and private, to assist with the costs associated  
12 with the Stampede Pass rail line.

13 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are  
14 added to chapter 47.76 RCW.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and shall take  
18 effect immediately.