

2 **SB 6776** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 2/29/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that damage to light-
8 density rail lines caused by recent flooding threatens public safety
9 and the economic survival of several rail lines in the state.
10 Therefore, the legislature intends to make an emergency exception to
11 its policy of providing only loans to privately held rail lines. It is
12 the further intent of the legislature that once the damages caused by
13 the recent flooding have been sufficiently mitigated to restore these
14 rail lines to safe operation, this emergency exception expires.

15 **Sec. 2.** RCW 47.76.250 and 1995 c 380 s 6 are each amended to read
16 as follows:

17 (1) The essential rail assistance account is created in the state
18 treasury. Moneys in the account may be appropriated only for the
19 purposes specified in this section.

20 (2) Moneys appropriated from the account to the department of
21 transportation may be used by the department or distributed by the
22 department to cities, county rail districts, counties, economic
23 development councils, and port districts for the purpose of:

24 (a) Acquiring, rebuilding, rehabilitating, or improving rail lines;

25 (b) Purchasing or rehabilitating railroad equipment necessary to
26 maintain essential rail service;

27 (c) Constructing railroad improvements to mitigate port access or
28 mainline congestion;

29 (d) Construction of loading facilities to increase business on
30 light density lines or to mitigate the impacts of abandonment;

31 (e) Preservation, including operation, of light density lines, as
32 identified by the Washington state department of transportation, in
33 compliance with this chapter; or

34 (f) Preserving rail corridors for future rail purposes by purchase
35 of rights of way. The department shall first pursue transportation

1 enhancement program funds, available under the federal surface
2 transportation program, to the greatest extent practicable to preserve
3 rail corridors. Purchase of rights of way may include track, bridges,
4 and associated elements, and must meet the following criteria:

5 (i) The right of way has been identified and evaluated in the state
6 rail plan prepared under this chapter;

7 (ii) The right of way may be or has been abandoned; and

8 (iii) The right of way has potential for future rail service.

9 (3) The department or the participating local jurisdiction is
10 responsible for maintaining any right of way acquired under this
11 chapter, including provisions for drainage management, fire and weed
12 control, and liability associated with ownership.

13 (4) Nothing in this section impairs the reversionary rights of
14 abutting landowners, if any, without just compensation.

15 (5) The department, cities, county rail districts, counties, and
16 port districts may grant franchises to private railroads for the right
17 to operate on lines acquired under this chapter.

18 (6) The department, cities, county rail districts, counties, and
19 port districts may grant trackage rights over rail lines acquired under
20 this chapter.

21 (7) If rail lines or rail rights of way are used by county rail
22 districts, port districts, state agencies, or other public agencies for
23 the purposes of rail operations and are later abandoned, the rail lines
24 or rail rights of way cannot be used for any other purposes without the
25 consent of the underlying fee title holder or reversionary rights
26 holder, or until compensation has been made to the underlying fee title
27 holder or reversionary rights holder.

28 (8) The department of transportation shall develop criteria for
29 prioritizing freight rail projects that meet the minimum eligibility
30 requirements for state assistance under RCW 47.76.240. The department
31 shall develop criteria in consultation with the Washington state
32 freight rail policy advisory committee. Project criteria should
33 consider the level of local financial commitment to the project as well
34 as cost/benefit ratio. Counties, local communities, railroads,
35 shippers, and others who benefit from the project should participate
36 financially to the greatest ((~~extend~~ {~~extent~~}) extent) practicable.

37 (9) Moneys received by the department from franchise fees, trackage
38 rights fees, and loan payments shall be redeposited in the essential
39 rail assistance account. Repayment of loans made under this section

1 shall occur within a period not longer than fifteen years, as set by
2 the department. The repayment schedule and rate of interest, if any,
3 shall be determined before the distribution of the moneys.

4 (10) The state shall maintain a contingent interest in any
5 equipment, property, rail line, or facility that has outstanding grants
6 or loans. The owner may not use the line as collateral, remove track,
7 bridges, or associated elements for salvage, or use it in any other
8 manner subordinating the state's interest without permission from the
9 department.

10 (11) Moneys distributed under this chapter should be provided as
11 loans wherever practicable. Except as provided by section 3 of this
12 act, for improvements on or to privately owned railroads, railroad
13 property, or other private property, moneys distributed shall be
14 provided solely as loans.

15 NEW SECTION. Sec. 3. The department of transportation may, for
16 the period ending December 31, 1996, provide financial grants to short-
17 line or light-density railroads to repair damages and to restore lines
18 disrupted by storms and subsequent floods that occurred in February
19 1996.

20 NEW SECTION. Sec. 4. This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately."

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27 In line 2 of the title, after "railroads;" strike the remainder of
28 the title and insert "amending RCW 47.76.250; creating new sections;
29 and declaring an emergency."

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