

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

4

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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