

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6527

Chapter 160, Laws of 2006

59th Legislature
2006 Regular Session

MILWAUKEE ROAD CROSS-STATE TRAIL

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 4, 2006
YEAS 43 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 2, 2006
YEAS 95 NAYS 3

FRANK CHOPP

Speaker of the House of Representatives

Approved March 20, 2006.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6527** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 20, 2006 - 3:30 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6527

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

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

READ FIRST TIME 01/30/06.

1 AN ACT Relating to the Milwaukee Road cross-state trail; amending
2 RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; and providing
3 contingent expiration dates.

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

5 **Sec. 1.** RCW 79A.05.115 and 1999 c 301 s 1 are each amended to read
6 as follows:

7 (1) The commission shall develop and maintain a cross-state trail
8 facility with appropriate appurtenances.

9 (2) This section expires July 1, ((2006)) 2009, if the department
10 of transportation does not enter into a franchise agreement for a rail
11 line over the portions of the Milwaukee Road corridor between
12 Ellensburg and Lind by July 1, ((2006)) 2009.

13 **Sec. 2.** RCW 79A.05.120 and 1999 c 301 s 2 are each amended to read
14 as follows:

15 (1) To facilitate completion of a cross-state trail under the
16 management of the parks and recreation commission, management and
17 control of lands known as the Milwaukee Road corridor shall be

1 transferred between state agencies as follows on the date a franchise
2 agreement is entered into for a rail line over portions of the
3 Milwaukee Road corridor:

4 (a) Portions owned by the state between Ellensburg and the Columbia
5 river that are managed by the parks and recreation commission are
6 transferred to the department of transportation;

7 (b) Portions owned by the state between the west side of the
8 Columbia river and Royal City Junction and between Warden and Lind that
9 are managed by the department of natural resources are transferred to
10 the department of transportation; and

11 (c) Portions owned by the state between Lind and the Idaho border
12 that are managed by the department of natural resources are transferred
13 to the parks and recreation commission as of the effective date of this
14 act.

15 (2) The department of natural resources (~~and the parks and~~
16 ~~recreation commission~~) may, by mutual agreement with the parks and
17 recreation commission, transfer (~~the~~) management authority over
18 portions of the Milwaukee Road corridor (~~between their two respective~~
19 ~~agencies without legislative approval if the portion transferred does~~
20 ~~not exceed ten miles in length~~) to the state parks and recreation
21 commission, at any time prior to the department of transportation
22 entering into a franchise agreement.

23 (3) This section expires July 1, (~~2006~~) 2009, and no transfers
24 shall occur if the department of transportation does not enter into a
25 franchise agreement for a rail line over the portions of the Milwaukee
26 Road corridor between Ellensburg and Lind by July 1, (~~2006~~) 2009.

27 **Sec. 3.** RCW 79A.05.125 and 2005 c 319 s 134 are each amended to
28 read as follows:

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

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

1 (b) Types of payment for use of the franchise, including payment
2 for the use of federally granted trust lands in the transportation
3 corridor;

4 (c) Standards for maintenance of the line;

5 (d) Provisions ensuring that both the conventional and intermodal
6 rail service needs of local shippers are met. Such accommodations may
7 comprise agreements with the franchisee to offer or maintain adequate
8 service or to provide service by other carriers at commercially
9 reasonable rates;

10 (e) Provisions requiring the franchisee, upon reasonable request of
11 any other rail operator, to provide rail service and interchange
12 freight over what is commonly known as the Stampede Pass rail line from
13 Cle Elum to Auburn at commercially reasonable rates;

14 (f) If any part of the franchise agreement is invalidated by
15 actions or rulings of the federal surface transportation board or a
16 court of competent jurisdiction, the remaining portions of the
17 franchise agreement are not affected;

18 (g) Compliance with environmental standards; and

19 (h) Provisions for insurance and the coverage of liability.

20 (2) The franchise may provide for periodic review of financial
21 arrangements under the franchise.

22 (3) The department of transportation, in consultation with the
23 parks and recreation commission and the senate and house transportation
24 committees, shall negotiate the terms of the franchise, and shall
25 present the agreement to the parks and recreation commission for
26 approval of as to terms and provisions affecting the cross-state trail
27 or affecting the commission.

28 (4) This section expires July 1, (~~2006~~) 2009, if the department
29 of transportation does not enter into a franchise agreement for a rail
30 line over portions of the Milwaukee Road corridor by July 1, (~~2006~~)
31 2009.

32 **Sec. 4.** RCW 79A.05.130 and 1999 c 301 s 4 are each amended to read
33 as follows:

34 (1) The cross-state trail account is created in the custody of the
35 state treasurer. Eleven million five hundred thousand dollars is
36 provided to the state parks and recreation commission to acquire,
37 construct, and maintain a cross-state trail. This amount may consist

1 of: (a) Legislative appropriations intended for trail development; (b)
2 payments for the purchase of federally granted trust lands; and (c)
3 franchise fees derived from use of the rail corridor. The legislature
4 intends that any amounts provided from the transportation fund are to
5 be repaid to the transportation fund from franchise fees.

6 (2) The department shall deposit franchise fees from use of the
7 rail corridor according to the following priority: (a) To the
8 department of transportation for actual costs incurred in administering
9 the franchise; (b) to the department of natural resources as
10 compensation for use of federally granted trust lands in the rail
11 corridor; (c) to the transportation fund to reimburse any amounts
12 transferred or appropriated from that fund by the legislature for trail
13 development; (d) to the cross-state trail account, not to exceed eleven
14 million five hundred thousand dollars, provided that this amount shall
15 be reduced proportionate with any funds transferred or appropriated by
16 the 1996 legislature or paid from franchise fees for the purchase of
17 federally granted trust lands or for trail development; and (e) the
18 remainder to the essential rail assistance account, created under RCW
19 47.76.250. Expenditures from the cross-state trail account may be used
20 only for the acquisition, development, operation, and maintenance of
21 the cross-state trail. Only the director of the state parks and
22 recreation commission or the director's designee may authorize
23 expenditures from the account. The account is subject to allotment
24 procedures under chapter 43.88 RCW, but no appropriation is required
25 for expenditures.

26 (3) The commission may acquire land from willing sellers for the
27 cross-state trail, but not by eminent domain.

28 (4) The commission shall adopt rules describing the cross-state
29 trail.

30 (5) This section expires July 1, (~~2006~~) 2009, if the department
31 of transportation does not enter into a franchise agreement for a rail
32 line over portions of the Milwaukee Road corridor by July 1, (~~2006~~)
33 2009.

Passed by the Senate March 4, 2006.

Passed by the House March 2, 2006.

Approved by the Governor March 20, 2006.

Filed in Office of Secretary of State March 20, 2006.