
ENGROSSED SUBSTITUTE SENATE BILL 6800

State of Washington

60th Legislature

2008 Regular Session

By Senate Transportation (originally sponsored by Senators Hobbs, Oemig, and Haugen)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to the disposition of publicly owned railroad
2 infrastructure; adding a new chapter to Title 81 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** As used in this chapter, "railroad
6 infrastructure" includes any trackage, railroad appurtenance, passenger
7 boarding platform or station, switching yard, siding, grade crossing
8 device, or signalization device.

9 NEW SECTION. **Sec. 2.** (1) A local government, port district, rail
10 district, or other special purpose district may not remove or
11 disassemble railroad infrastructure that it owns, operates, or controls
12 within the state of Washington, except: (a) To comply with statutory
13 obligations; (b) if the removal or disassembly is incident to a fully
14 funded plan to realign or improve the railroad infrastructure within
15 five years; (c) to remove unused rail infrastructure incident to
16 legislatively authorized capital construction; (d) incident to a
17 project for which thirty percent or more of the preliminary engineering

1 is complete as of the effective date of this act; or (e) as authorized
2 by express, prior approval of the legislature.

3 (2) A local government, port district, rail district, or other
4 special purpose district may not sell, lease, assign, or otherwise
5 dispose of the whole or any part of railroad infrastructure that it
6 owns, operates, or controls within the state of Washington, unless the
7 sale, lease, assignment, or disposal is: (a) To a local government,
8 port district, rail district, or other special purpose district, and
9 subject to the restrictions of this section; (b) pursuant to an
10 interlocal agreement among local governments, port districts, rail
11 districts, or other special purpose districts regarding the sustained
12 use of the railroad infrastructure; (c) incident to legislatively
13 authorized capital construction; (d) incident to a project for which
14 thirty percent or more of the preliminary engineering is complete as of
15 the effective date of this act; or (e) authorized by express, prior
16 approval of the legislature.

17 (3) Subsections (1) and (2) of this section apply to railroad
18 infrastructure: (a) That is not subject to the jurisdiction of the
19 federal surface transportation board or its successor entity; (b) for
20 which the jurisdiction of the federal surface transportation board, or
21 its successor entity, has terminated; or (c) where regulation of the
22 railroad infrastructure by the state of Washington does not interfere
23 with interstate rail operations.

24 NEW SECTION. **Sec. 3.** (1) The department of transportation shall
25 notify the office of financial management and the transportation
26 committees of the house of representatives and senate if railroad
27 infrastructure is removed, disassembled, sold, leased, assigned, or
28 disposed of in violation of section 2 of this act.

29 (2) The office of financial management shall report to the
30 transportation committees of the house of representatives and senate
31 the sources and amounts, if any, of state revenue or funding provided
32 to any entity that violates section 2 of this act.

33 NEW SECTION. **Sec. 4.** (1) If a local government, port district,
34 rail district, or other special district violates section 2 of this
35 act, the department of transportation shall determine the replacement

1 cost of the rail infrastructure removed, disassembled, sold, leased,
2 assigned, or otherwise disposed of.

3 (2) Any local government, port district, rail district, or other
4 special district that violates section 2 of this act shall pay a
5 monetary penalty equal to double the amount of the replacement cost
6 determined by the department of transportation under subsection (1) of
7 this section.

8 (3) Any monetary penalty paid under this section must be deposited
9 into the transportation infrastructure account created under RCW
10 82.44.190 and distributed for rail capital improvements only.

11 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
12 a new chapter in Title 81 RCW.

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