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**SHB 2524** - H AMD **850**

By Representative Manweller

**NOT ADOPTED 02/25/2016**

On page 31, after line 32, insert the following:

"(6) Within current resources, the transportation planning program, with assistance from the rail program and other programs as needed, shall prepare a report that outlines the state's options for addressing the eastside rail corridor rail line removal authorized under the rail banking provisions of federal law. This report must evaluate options by which the state may facilitate the preservation and maintenance of the rail lines that comprise the eastside rail corridor, in consideration of what is currently permitted under federal law. The report must address, but is not limited to, what, if any, legal authority the state has to affect projects currently underway in or planned for this corridor; whether state acquisition of specific property rights in this corridor is permitted under federal law and, if so, whether it could be beneficial to or would be necessary for the preservation and maintenance of the corridor's rail lines; and the extent to which the state may otherwise encourage the preservation of this rail corridor. The report must include sufficient details on each option presented to support its evaluation, as well as the potential benefits and estimated costs associated with options presented that are permissible under federal law. The evaluation of potential benefits must be conducted in the context of current state rail policy, including RCW 47.76.240. The department must submit the report to the transportation committees of the legislature by November 15, 2016."

On page 80, after line 17, insert the following:

"**Sec. 703.** A new section is added to chapter 47.76 RCW to read as follows:

(1) Any removal of existing rail tracks on a rail corridor located at least partly in a county or counties with a county population greater than one-and-one-half million that occurs during the 2015-17 biennium is subject to the requirements in this section as of the effective date of this bill. The responsible party proposing to remove rail tracks as part of a rail banking activity shall file with the department of transportation a bond or proof of an escrow account in a Washington financial institution an amount to fully cover the annual expected costs of maintaining the corridor. The responsible party shall update the bond or proof of an escrow account on an annual basis thereafter. The bond or proof of an escrow account must be filed prior to removal of the railroad tracks.

(2) The bond or escrow account must be conditioned on the responsible party's performance, and must be in an amount agreed upon between the responsible party and the department of transportation as sufficient to fully cover the annual costs for maintenance of the trail, bridges, culverts, roadway intersections, crossing and signage on the corridor in a manner that will allow for subsequent restoration of rail use along the corridor.

(3) If the responsible party fails to comply with the provisions of this section, the attorney general for the state of Washington shall bring an action in superior court to enforce the provisions of this section. Upon a finding that the responsible party has failed to comply with the provisions of this section, the court may enter an order requiring the responsible party to comply with provisions of this section.

(4) For the purposes of this section, responsible party means any person, for-profit entity, not-for-profit entity or governmental entity that is responsible for developing, operating or maintaining property with rail tracks that are part of a rail corridor located in a county or counties at least partly located east of Lake Washington with a county population greater than 700,000.

(5) This section expires June 30, 2017."

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|  | EFFECT:   Makes the following changes related to rail banking:   1. Requires the Department of Transportation's Planning Program to prepare a report, to be submitted to the transportation committees of the legislature, that evaluates state options for facilitating the preservation and maintenance of rail lines in the Eastside Rail Corridor in the context of current state law and applicable federal rail banking regulations. 2. Mandates that parties responsible for developing, operating or maintaining property with rail tracks that are part of a rail corridor located at least partly in a county or counties with a county population greater than one-and-one-half million file with the department of transportation a bond or proof of an escrow account in a Washington financial institution an amount to fully cover the annual expected costs of maintaining the corridor. 3. Requires the attorney general for the state of Washington to bring an action in superior court to enforce the bond or proof of escrow account requirement if the responsible party fails to comply with the provisions of this section.   FISCAL IMPACT: No net change to appropriated levels. |

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