

**SHB 2524** - H AMD 850

By Representative Manweller

NOT ADOPTED 02/25/2016

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

2 "(6) Within current resources, the transportation planning  
3 program, with assistance from the rail program and other programs as  
4 needed, shall prepare a report that outlines the state's options for  
5 addressing the eastside rail corridor rail line removal authorized  
6 under the rail banking provisions of federal law. This report must  
7 evaluate options by which the state may facilitate the preservation  
8 and maintenance of the rail lines that comprise the eastside rail  
9 corridor, in consideration of what is currently permitted under  
10 federal law. The report must address, but is not limited to, what, if  
11 any, legal authority the state has to affect projects currently  
12 underway in or planned for this corridor; whether state acquisition of  
13 specific property rights in this corridor is permitted under federal  
14 law and, if so, whether it could be beneficial to or would be  
15 necessary for the preservation and maintenance of the corridor's rail  
16 lines; and the extent to which the state may otherwise encourage the  
17 preservation of this rail corridor. The report must include sufficient  
18 details on each option presented to support its evaluation, as well as  
19 the potential benefits and estimated costs associated with options  
20 presented that are permissible under federal law. The evaluation of  
21 potential benefits must be conducted in the context of current state  
22 rail policy, including RCW 47.76.240. The department must submit the  
23 report to the transportation committees of the legislature by November  
24 15, 2016."

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

27

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

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

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

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

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

3 (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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