
SENATE BILL 6363

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senators Chase and Warnick

Read first time 01/15/18. Referred to Committee on Transportation.

1 AN ACT Relating to a rail line over the Milwaukee Road corridor;
2 and amending RCW 79A.05.115, 79A.05.120, 79A.05.125, 79A.05.130, and
3 79.73.010.

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

5 **Sec. 1.** RCW 79A.05.115 and 2009 c 338 s 1 are each amended to
6 read as follows:

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

9 (~~(2) This section expires July 1, 2019, unless the department of
10 transportation enters into a franchise agreement for a rail line over
11 any of the portions of the Milwaukee Road corridor between Ellensburg
12 and Marengo by July 1, 2019.~~)

13 **Sec. 2.** RCW 79A.05.120 and 2009 c 338 s 2 are each amended to
14 read 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
18 transferred between state agencies as follows on the date a franchise
19 agreement is entered into for a rail line over portions of the
20 Milwaukee Road corridor:

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

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

8 (c) Portions owned by the state between Lind and the Idaho border
9 that are managed by the department of natural resources are
10 transferred to the parks and recreation commission as of June 7,
11 2006; and

12 (d) Portions owned by the state between Lind and Marengo are
13 transferred to the department of transportation.

14 (2) The department of natural resources may, by mutual agreement
15 with the parks and recreation commission, transfer management
16 authority over portions of the Milwaukee Road corridor to the state
17 parks and recreation commission, at any time prior to the department
18 of transportation entering into a franchise agreement.

19 (3) (~~This section expires July 1, 2019, and~~) No transfers shall
20 occur unless the department of transportation enters into a franchise
21 agreement for a rail line over any of the portions of the Milwaukee
22 Road corridor between Ellensburg and Marengo (~~by July 1, 2019~~).

23 **Sec. 3.** RCW 79A.05.125 and 2009 c 338 s 3 are each amended to
24 read as follows:

25 (1) The department of transportation shall negotiate one or more
26 franchises with rail carriers to establish and maintain a rail line
27 over portions of the Milwaukee Road corridor owned by the state
28 between Ellensburg and Marengo. The department of transportation may
29 negotiate such a franchise with any qualified rail carrier. Criteria
30 for negotiating the franchise and establishing the right-of-way
31 include:

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

36 (b) Types of payment for use of the franchise, including payment
37 for the use of federally granted trust lands in the transportation
38 corridor;

39 (c) Standards for maintenance of the line;

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

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

10 (f) If any part of the franchise agreement is invalidated by
11 actions or rulings of the federal surface transportation board or a
12 court of competent jurisdiction, the remaining portions of the
13 franchise agreement are not affected;

14 (g) Compliance with environmental standards; and

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

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

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

24 ~~((4) This section expires July 1, 2019, unless the department of
25 transportation enters into a franchise agreement for a rail line over
26 any of the portions of the Milwaukee Road corridor between Ellensburg
27 and Marengo by July 1, 2019.))~~

28 **Sec. 4.** RCW 79A.05.130 and 2009 c 338 s 4 are each amended to
29 read as follows:

30 (1) The cross-state trail account is created in the custody of
31 the state treasurer. Eleven million five hundred thousand dollars is
32 provided to the state parks and recreation commission to acquire,
33 construct, and maintain a cross-state trail. This amount may consist
34 of: (a) Legislative appropriations intended for trail development;
35 (b) payments for the purchase of federally granted trust lands; and
36 (c) franchise fees derived from use of the rail corridor. The
37 legislature intends that any amounts provided from the transportation
38 fund are to be repaid to the transportation fund from franchise fees.

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

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

23 (4) The commission shall adopt rules describing the cross-state
24 trail.

25 ~~((5) This section expires July 1, 2019, unless the department of
26 transportation enters into a franchise agreement for a rail line over
27 any of the portions of the Milwaukee Road corridor between Ellensburg
28 and Marengo by July 1, 2019.))~~

29 **Sec. 5.** RCW 79.73.010 and 2003 c 334 s 456 are each amended to
30 read as follows:

31 Except as provided in chapter 79A.05 RCW, the portion of the
32 Milwaukee Road corridor from the west end of the bridge structure
33 over the Columbia river, which point is located in section 34,
34 township 16 north, range 23 east, W.M., to the Idaho border purchased
35 by the state shall be under the management and control of the
36 department.

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