

**Chapter 79.73 RCW
MILWAUKEE ROAD CORRIDOR**

Sections

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RCW 79.73.010 Management and control. Except as provided in chapter 79A.05 RCW, the portion of the Milwaukee Road corridor from the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., to the Idaho border purchased by the state shall be under the management and control of the department. [2018 c 279 s 5; 2003 c 334 s 456; (2003 c 334 s 455; 2000 c 11 s 23; 1996 c 129 s 8 expired July 1, 2006); 1989 c 129 s 2; 1984 c 174 s 6. Formerly RCW 79.08.275.]

Intent—2003 c 334: See note following RCW 79.02.010.

Construction—1989 c 129: "Nothing in this act shall be construed to affect any existing or reversionary interests in the real property lying within the Milwaukee Road corridor." [1989 c 129 s 4.]

Purpose—1984 c 174: "The purpose of RCW 43.51.405 through 43.51.411 and 79.08.275 through 79.08.283 is to set forth the state's policy regarding the approximately two hundred thirteen-mile corridor of land purchased by the state from the Milwaukee Railroad Company under section 17(21), chapter 143, Laws of 1981." [1984 c 174 s 1.]

RCW 79.73.020 Recreational use—Permit—Rules—Fees. The portion of the Milwaukee Road corridor under management and control of the department shall be open to individuals or organized groups that obtain permits from the department to travel the corridor for recreational purposes. The department shall, for the purpose of issuing permits for corridor use, adopt rules necessary for the orderly and safe use of the corridor and protection of adjoining landowners. Permit fees shall be established at a level that will cover costs of issuance. Upon request of abutting landowners, the department shall notify the landowners of permits issued for use of the corridor adjacent to their property. [2003 c 334 s 457; 1984 c 174 s 7. Formerly RCW 79.08.277.]

Intent—2003 c 334: See note following RCW 79.02.010.

Purpose—1984 c 174: See note following RCW 79.73.010.

RCW 79.73.030 Powers. The department may do the following with respect to the portion of the Milwaukee Road corridor under its control:

(1) Enter into agreements to allow the realignment or modification of public roads, farm crossings, water conveyance facilities, and other utility crossings;

(2) Regulate activities and restrict uses, including, but not limited to, closing portions of the corridor to reduce fire danger or protect public safety in consultation with local legislative authorities or fire districts;

(3) Place hazard warning signs and close hazardous structures;

(4) Renegotiate deed restrictions upon agreement with affected parties; and

(5) Approve and process the sale or exchange of lands or easements if (a) such a sale or exchange will not adversely affect the recreational, transportation, or utility potential of the corridor and (b) the department has not entered into a lease of the property in accordance with RCW 79.73.040. [2003 c 334 s 458; 1984 c 174 s 8. Formerly RCW 79.08.279.]

Intent—2003 c 334: See note following RCW 79.02.010.

Purpose—1984 c 174: See note following RCW 79.73.010.

RCW 79.73.040 Leasing—Duties with respect to unleased portions.

(1) The department shall offer to lease, and shall subsequently lease if a reasonable offer is made, portions of the Milwaukee Road corridor under its control to the person who owns or controls the adjoining land for periods of up to ten years commencing with June 7, 1984. The lessee shall assume the responsibility for fire protection, weed control, and maintenance of water conveyance facilities and culverts. The leases shall follow standard department leasing procedures, with the following exceptions:

(a) The lessee may restrict public access pursuant to RCW 79.73.020 and subsection (3) of this section.

(b) The right of renewal shall be to the current lessee if the lessee still owns or controls the adjoining lands.

(c) If two persons own or control opposite sides of the corridor, each person shall be eligible for equal portions of the available property.

(2) The department has the authority to renew leases in existence on June 7, 1984.

(3) The leases shall contain a provision allowing the department to issue permits to travel the corridor for recreational purposes.

(4) Unleased portions of the Milwaukee Road property under this section shall be managed by the department. On these unleased portions, the department solely shall be responsible for weed control, culvert, bridge, and other necessary maintenance and fire protection services. The department shall place hazard warning signs and close hazardous structures on unleased portions and shall regulate activities and restrict uses, including closing the corridor during seasons of high fire danger. [2003 c 334 s 459; 1984 c 174 s 9. Formerly RCW 79.08.281.]

Intent—2003 c 334: See note following RCW 79.02.010.

Purpose—1984 c 174: See note following RCW 79.73.010.

RCW 79.73.050 Authority to terminate or modify leases—Notice.

The state, through the department, shall reserve the right to terminate a lease entered into pursuant to RCW 79.73.040 or modify authorized uses of the corridor for future recreation, transportation, or utility uses. If the state elects to terminate the lease, the state shall provide the lessee with a minimum of six months' notice. [2003 c 334 s 460; 1984 c 174 s 10. Formerly RCW 79.08.283.]

Intent—2003 c 334: See note following RCW 79.02.010.

Purpose—1984 c 174: See note following RCW 79.73.010.