## STAFF REPORT

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| **Agenda Items:** | 5 & 6 | **Name:** | Deb Eddy |
| **Briefing No**: | 2016-B0085 and 2016-0221 | **Date:** | 1 June 2016 |

**SUMMARY**

This staff report covers two items:

1. **Briefing 2016-B0085, a quarterly update on Eastside Rail Corridor program activities**

The Council last received a briefing on ERC activities in the Committee of the Whole in February 2016. Today’s briefing updates the council on the Trail Master Plan process, on various coordination activities and on the ERC Regional Advisory Council’s initial discussion of re-organization of this interjurisdictional committee.

1. **Proposed Motion 2016-0221, a motion adopting the Eastside Rail Corridor Program’s work plan for 2016**

The Council’s adoption of an ERC Program work plan will help guide Council staff, Executive and agency personnel in meeting the Council’s expectations for development of this asset. The work plan ensures alignment of council policy with executive branch actions and provides for strong intergovernmental and interdisciplinary engagement with co-owners and public, private and nonprofit stakeholders.

**BACKGROUND**

The Eastside Rail Corridor (ERC) is a 42-mile former rail line running from the City of Renton to the City of Snohomish and extending through the cities of Snohomish, Woodinville, Kirkland, Bellevue, Renton, and Redmond, and parts of unincorporated Snohomish and King Counties. In 2003, the BNSF Railway Company (BNSF) announced its intention to divest itself of this rail corridor. In response, in 2009, a group of regional partners, including King County and the Port of Seattle, signed a Memorandum of Understanding that envisioned a regional approach to preserve the corridor for multiple uses (Ordinance 16738). To begin that regional effort, the Port of Seattle acquired BNSF’s interests in the corridor between Renton and Snohomish. The southern portions of the corridor (between Woodinville and Renton, and from Woodinville to Redmond) were railbanked.[[1]](#footnote-1) King County became the Interim Trail Sponsor[[2]](#footnote-2) of the 21-mile railbanked portion and also purchased a multipurpose easement from the Port in the railbanked area (Ordinance 16084). Additionally, King County’s wastewater treatment system includes conveyance facilities that run within and cross the ERC.

The Port then sold its property interests in the railbanked portion of the corridor. The City of Redmond purchased the areas within the city boundaries. Puget Sound Energy purchased a utility easement along the entire corridor except within the Redmond-owned portion. Sound Transit purchased all of the Port’s remaining interest in roughly 1.1 miles of the corridor in Bellevue (called the “Sound Transit Mile,” the planned location of its East Link Hospital Station), as well as high capacity transit easements on the remainder of the railbanked area. The City of Kirkland purchased all of the Port’s remaining interest in the segment of the corridor located largely within its boundaries.

On February 8, 2013, King County and the Port executed a purchase and sale agreement for King County to acquire all of the Port’s remaining interest in the remaining 15.6 miles of the railbanked area, as well as a 3.6-mile trail easement north of the railbanked area, between Woodinville and Brightwater (Ordinance 17503). In addition, the County continues to own its multipurpose easement in the areas of the ERC acquired by Kirkland and Sound Transit, comprising approximately 6.6 miles. In total King County owns property interests in approximately 25.8 miles of the ERC.

The five entities that acquired the Port’s interests in the railbanked portion of the ERC (King County, Sound Transit, the City of Redmond, the City of Kirkland, and Puget Sound Energy) have been planning collaboratively around a shared, multi-use vision for the corridor through a Regional Advisory Council (RAC) (Motion 13801). In December 2014, the Council created the term-limited temporary position of Eastside Rail Corridor Program Manager, to provide adequate support to the complex cross-sector collaboration, ensuring realization of the Council’s policies.

1. **Quarterly update on Eastside Rail Corridor program activities**

The Council last received a briefing on ERC activities in the Committee of the Whole in February 2016. Today’s briefing updates the council on the Trail Master Plan process, on various coordination activities and on the ERC Regional Advisory Council’s initial discussion of re-organization of this interjurisdictional committee.

**Trail Master Plan Process**

The Council last received a briefing in the Committee of the Whole on the trail master planning process in February 2016. Today’s briefing focuses on recent activities leading up to transmittal of and Council approval of the Final Trail Master and Environmental Impact Statement (EIS) plan by year’s end.

Master planning encompasses approximately 15.6 miles of the ERC under King County ownership in the railbanked section of the ERC, and the 1.1-mile segment owned by Sound Transit. The process has been designed to reflect the vision of the constituent owners that the ERC is a corridor of regional significance due to its potential to enhance mobility, utility infrastructure and recreation in the region.

The process is phased, with Phase 1 representing trail master-planning, funded by the King County Parks Levy. Later phases include Phase 2: Preliminary Design; Phase 3: Final Design; and Phase 4: Construction. Planning, designing and constructing the trail facilities are expected to take several years, including the identification of funding.

The Draft Master Plan and EIS were issued on February 29, followed by a month-long public comment period which closed on March 31. Seven public meetings were held in March, including three open houses and four neighborhood meetings. Over 150 comments were received from citizens and/or households via mail, letter, or online; and several letters were received from stakeholders and agencies. Publication of the Final Master Plan and EIS is expected in July, with legislation for King County Council adoption of the plan transmitted in August. The Final MP and EIS will contain detailed responses to all comments received.

Common themes from public comments included:

* *Environmental impacts:* tree canopy and vegetation preservation, minimize impacts to wildlife habitat and wetlands, protect steep slope stability
* *Trail safety:* User speeds, separation of modes, and design of roadway crossings were all strong concerns
* *Local residential concerns:* Security, privacy, separation, and parking (particularly in Lakefront segment)
* *Trail character and amenities:* Construct a ‘World Class Trail’ that includes trail access points, parking, restroom and water facilities, separation of user types, locational signage, lighting and other elements
* *Time to build the trail:* The overwhelming majority of commenters supported moving forward with a trail in the corridor as soon as possible.
* *Preference for on-railbed alternative:* Most commenters offered strong support for on-railbed alternative, especially the Lakefront segment (south of I-90).

**Other ERC Coordination Activities**

Even as this master planning activity moves forward, King County continues to pursue coordination and collaboration on corridor development with a variety of stakeholders, owners and agencies.

Plans to yet again expand I-405 prompt continued discussion between WSDOT and King County on reconnection of the Wilburton Gap, the break in the corridor created by prior work on I-405 and for which $10 million in state funds have been secured. The state, county and city of Bellevue will participate in a design workshop on June 6, in an effort to come to agreement on a conceptual design.

King County, Sound Transit and City of Bellevue continue to meet to coordinate interim trail opportunities and the challenge of the NE 8th crossing in Bellevue. The three governments have agreed to work in partnership on a design that will optimize the integration of the trail crossing over NE 8th with the light rail crossing and Wilburton Station. The three agencies entered in to an agreement to develop a 30% level of design for the elevated trail crossing at NE 8th and its full integration with the Wilburton Station and surrounding streetscape.

As with many aspects of corridor development, this master planning for the bicycle/pedestrian facility goes forward in parallel with considerations for transit, utility and recreational uses in the corridor, in addition to new thinking about how the corridor could impact adjacent land uses, including availability for economic development and transit-oriented development (TOD). A design charrette focused on NE 8th is being planned for June to conduct visioning work and establish design criteria for the crossing.

Also, King County Parks is working with Sound Transit to establish the trail area in the Sound Transit “mile” and other areas of the corridor where Sound Transit holds a high capacity transit easement. These negotiations are expected to conclude in time to be reflected in the Final Trail Master plan submission to Council. Additional consultation on this trail area will involve Puget Sound Energy’s review for consistency with their easement.

**ERC Regional Advisory Council**

The ERC Regional Advisory Council was established by Council Motion 13801 in late 2012, charged with engaging the owners’ group in a planning process to ensure that the shared objectives and especially the commitment to dual use by public transit facilities and regional trail facilities would be affirmed as a joint policy of the owners.

By transmittal of the *Creating Connections* report (Motion 14105) in April 2014, the essential work of the advisory council was done. The group has continued to meet, to share information and to coordinate activities, as it has become clear that a continued platform for coordination will ensure not only the full realization of the corridor’s potential, but also efficient use of resources, etc. etc.

The council is represented on the ERC RAC and work in the corridor is overseen by three councilmembers. Currently, Councilmembers Balducci, Dunn and Lambert oversee implementation of council policy and the necessary intergovernmental and interdisciplinary work. In developing the 2016 work plan, these councilmembers noted the need to redesign the ERC RAC governance structure, updating Motion 13801, to meet current needs. While the structure created by Motion 13801 focused on property ownership as a basis for membership, it’s become clear that closer collaboration with adjacent cities and stronger engagement with state and federal interests is critical to realizing the corridor’s potential.

Recently, the ERC has captured the attention and engagement of not only parks, recreation and alternative transportation advocates but also of urban planners and business leaders. Cities are reconsidering their land use plans and seeing the potential for both housing and commercial development that uses the corridor as a central point of reference, a form of street without cars.

At the first ERC RAC meeting of the year, May 5, attendees of the owners named in Motion 13801, including King County, Redmond, Kirkland, Sound Transit and Puget Sound Energy, were joined by a new owner, Woodinville, and by the two cities with major portions of the corridor within their boundaries, Bellevue and Renton. In a facilitated discussion, the representatives of the owners and adjacent cities affirmed five objectives for a re-designed ERC RAC:

1. Share information, providing a basis for collaboration and coordination,
2. Seek joint funding opportunities through project identification and prioritization,
3. Advocate for broad vision of the ERC as an urban redevelopment opportunity,
4. Explore ways to collectively manage, develop or maintain portions of the ERC,
5. Provide joint outreach to the private sector in cross-jurisdictional development.

Recognizing the speed with which activity in the corridor is occurring, the principal members of the ERC RAC ask the staff to move quickly to develop a letter of agreement that outlines how the ERC RAC group will be expanded and will operate in the future. Staff will report back to the public sector interests at the next ERC RAC meeting in July.

1. **A motion adopting the Eastside Rail Corridor Program’s work plan for 2016**

The Council’s ERC Program is guided by the County Council’s designated members of the ERC RAC, as noted above. The Council’s adoption of a work plan will help guide Council staff, Executive and agency personnel in meeting the Council’s expectations for development of this asset and provides a useful method of evaluating the Council’s efforts. The work plan attempts to ensure an alignment of council policy with executive branch actions and to provide strong intergovernmental engagement with co-owners and public, private and nonprofit stakeholders

Through a variety of actions, the Council has emphasized its commitment to the dual use expectation for the corridor, ensuring that the regional trail facilities co-exist with the potential for alternative transportation facilities, including transit. An important aspect of this work is collaborating with nonprofit and private sector partners who have a shared interest in the corridor.

The ERC Program Manager’s work is principally guided by the County Council’s members of the ERC Regional Advisory Council (Motion 13801), in support of that collaborative body. But support for the ERC RAC includes engagement with a number of executive staff, as development of the ERC is principally driven by the Department of Natural Resources and Parks (DNRP), with assistance by the
Department of Transportation and representatives of the Executive’s office.

Because the owners have committed to multiple objectives in developing the corridor, activities affecting the ERC require the coordination of a constantly changing group of governments, stakeholders and community interests. A group assembled to address one challenge, for instance, the Wilburton gap reconnection, may be an entirely different group than is assembled to address the potential for rail-based excursion service in north King County, extending into Snohomish County.

The work plan for 2016 has four main goals, with specific tasks more fully described in Attachment A:

1. Ensure implementation of existing Council policies, supporting the multiple objectives for the corridor, in development activities and in negotiation of agreements or plans carried out by the Executive.
2. Ensure adoption of policies and other Council actions that ensure realization of multiple objectives for development in the corridor and which improve funding opportunities for the ERC.
3. Support redesign and repurposing of the ERC Regional Advisory Council to enhance effective coordination of public sector interests and agencies, together with private and nonprofit stakeholders, in realizing the shared vision of the ERC.

By adopting the motion approving the 2016, the Council continues to provide clear direction to staff and to provide strong regional leadership in the development of this important public asset.

**INVITED**

1. Erica Jacobs, Special Projects Manager III, Department of Natural Resources and Parks
2. David St. John, Government Relations Administrator, Department of Natural Resources and Parks

**ATTACHMENTS**

1. PowerPoint Presentation for Draft Trail Master Plan (will be provided at meeting)
2. May 4 ERC RAC Agenda
3. Motion 2016-0221 with Attachment A, 2016 Work Plan for the Eastside Rail Corridor Program
1. Under the Federal National Trails Act, also known as the Rails to Trails Act, 16 U.S.C. §1247(d). [↑](#footnote-ref-1)
2. As the Interim Trail User, the County is subject to legal obligations imposed by Section 8(d) of the Rails-to-Trails Act, 16 U.S.C. § 1247(d) and 49 C.F.R § 1152.29, as implemented through the Notices of Interim Trail Use (NITUs) for the various parts of the Corridor issued by the Surface Transportation Board (STB), and also the Trail Use Agreement entered into between BNSF and the County, and the STB-required Statement of Willingness to Accept Financial Responsibility (SWAFR). Pursuant to the Rails to Trails Act, all interim uses of railbanked corridors are subject to reactivation of potential interstate freight rail service. [↑](#footnote-ref-2)