## STAFF REPORT

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| **Agenda Item:** | 13 | **Name:** | Leah Krekel-Zoppi |
| **Proposed No**.: | 2021-0390 | **Date:** | October 27, 2021 |

**SUBJECT**

A motion authorizing the King County executive to accept a donation of $7,500,000 from Amazon to the King County Parks and Recreation Division for Eastrail projects in the Wilburton area of Bellevue.

**SUMMARY**

The proposed motion would authorize the Executive to accept a donation from Amazon to complete two projects for Eastrail, a multipurpose north-south corridor connecting seven cities on the east side of Lake Washington, from Renton to Snohomish. Amazon's $7.5 million donation, combined with proceeds from the King County Parks Levy and other sources which were appropriated in King County's 2021-2022 Biennial Budget, would enable completion of the Wilburton Trestle project and a one-mile stretch of interim trail in the Wilburton area of Eastrail, just south the future Wilburton Link light rail station.

**BACKGROUND**

***Eastrail***

Eastrail 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, a group of regional partners, including King County and the Port of Seattle, signed a Memorandum of Understanding that envisioned a regional effort 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 purchased a multipurpose easement from the Port in the railbanked area (Ordinance 16084). King County’s wastewater treatment system includes facilities that run within and cross the Eastrail.

On February 8, 2013, King County and the Port executed a purchase and sale agreement for King County to acquire 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 Eastrail acquired by Kirkland and Sound Transit, comprising approximately 6.6 miles. In total King County owns property interests in approximately 25.8 miles of Eastrail.

On August 6, 2019, King County voters approved the 2020-2025 King County Parks, Recreation, Trails and Open Space Levy, which, included funds for the Wilburton projects of the Eastrail. The 2021-2022 Biennial Budget, Ordinance 19210, provided appropriation authority for $33.7 million for Eastrail,[[3]](#footnote-3) funded primarily through Parks Levy proceeds, but also assuming $11 million would come from other sources such as contributions from partners.

The scope of the Eastrail project is a phased capital program that will construct approximately 16 miles of paved shared use path connecting Renton, Bellevue, Kirkland, Woodinville, and Redmond. In addition to connecting communities, the trail will also connect existing regional trails including the I-90 Trail, SR 520 Trail, Sammamish River Trail, Cedar River Trail, and Lake to Sound trail. The overall program includes rehabilitation of several major structures including the Wilburton Trestle, a new bridge over NE 8th St. in Bellevue, a bridge over the Wilburton “Gap” by Washington State Department of Transportation (WSDOT) which includes partial funding support by King County, and renovation of a steel railroad bridge over I-90. As part of its phased implementation, portions of the trail will be constructed as interim (soft surface) trail to support limited use until funding for full construction is available.

***Parks Donations***

King County Code (K.C.C.) 7.08.070, provides the King County Parks and Recreation Division with the authority to solicit gifts from individuals, foundations, not-for-profit organizations, and corporate sources, provided that such gifts are used for parks purposes. K.C.C. 2.80.060 requires that any gifts for parks and recreation purposes that exceed $50,000 be accepted on behalf of King County by the King County council by motion.

**ANALYSIS**

Proposed Motion 2021-0390 would authorize the King County Executive to accept a donation of $7.5 million from the Amazon Corporation and to execute a donation agreement for such purposes. The donation would be a contribution towards completion of two projects in the Wilburton portion of Eastrail, the Wilburton Trestle and one mile of interim trail with a new signalized street crossing. The Executive states that completion of these two projects would provide a continuous connection between the new Washington State Department of Transportation Eastrail bridge over I-405 and NE 8th in Bellevue. The projects would be completed in 2024, shortly after the opening of East Link Light Rail and the Wilburton Station, located along this portion of Eastrail.

According to the fiscal note for this proposed motion, no appropriation authority would be needed for this proposed motion, since the 2021-2022 Biennial Budget includes appropriation authority for this project.

**AMENDMENT**

Amendment 1 would strike a sentence from the proposed motion which Executive staff concurs is not needed.

**INVITED**

* Warren Jimenez, Director, King County Parks and Recreation Division
* David St. John, Government Relations Administrator, Department of Natural Resources and Parks

**ATTACHMENTS**

1. Proposed Motion 2021-0390 (and its attachments)
2. Amendment 1
3. Transmittal Letter
4. Fiscal Note
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)
3. Project # 1121155 [↑](#footnote-ref-3)