



Legislation Text

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Clerk 07/12/2005

AN ORDINANCE authorizing the BNSF Rail Line acquisition project for the preservation of transportation right-of-way in eastside King County cities and making a supplemental appropriation of \$3,500,000 to the current expense fund, \$300,000 to the real estate excise tax I fund and \$3,800,000 to the open space King County non bond sub-fund; amending the 2005 Budget Ordinance, Ordinance 15083, Sections 42, 114 and 117, as amended, and Attachments B and E, as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. King County's population increased by over half a million people between 1980 and 2005, more than a forty percent increase in twenty-five years. In conjunction with this rapid growth in population, King County has continued to provide innovative regional transportation solutions and a legacy of regional recreation facilities, including our nationally recognized regional trail system, which currently contains over one hundred miles of paved trails and seventy miles of unpaved trails.

B. The Burlington Northern Santa Fe ("BNSF") Rail Line corridor is currently a forty-seven-mile railroad line within King County that travels through the cities of Renton, Newcastle, Bellevue, Kirkland, Redmond and Woodinville, in part along Lake Washington and adjacent to several public park facilities, to the city of Snohomish.

C. The BNSF Railway operates the railroad line and intends to enter into negotiations with King

County to convey its interests in the line to King County, through the federal Rail Banking program, offering the county a unique opportunity to retain the corridor's continuous, unbroken ownership for potential recreation and transportation uses before it is subdivided, sold for development and lost forever.

D. The BNSF Rail Line could provide a critical north to south link in the King County regional trail system through the heart of the county's eastside cities and could serve as a major spine of the system by providing an off-road trail link with other regional trails, including the Burke-Gilman and Sammamish Valley trails to the North, the Cedar River trail to the south, and the Interstate 90/Mountains to Sound Greenway trail to the east and west, among other transportation uses. The BNSF Rail Line corridor could provide eastside residents safe, off-road access to these trails while alternatively providing all King County residents with safe and enjoyable off-road access to many attractions of the eastside cities, including recreational, commercial and employment destinations.

E. By extending to the city of Snohomish, the BNSF Rail Line trail could help expand the growing regional trail system of western Puget Sound, providing another critical link between trails, parks and other destinations, not only for residents of King and Snohomish counties, but also for residents of the western sound's other counties.

F. Rail Banking allows for the corridor to be used for rail and trail purposes. It is recognized that existing commercial rail use by the Spirit of Washington Dinner Train, the Boeing Company, Weyerhaeuser and other parties are important to the economic well-being of the region, and the county will work to ensure that future uses of the corridor best serve the public interest, recognizing these economic benefits, among other factors. No decisions about the final use or design of the corridor will be made without a full and thorough public process that provides an opportunity for involvement by the citizens of King and Snohomish counties as well as all impacted cities, communities, current BNSF customers and other stakeholders. As part of the information base necessary to support a decision on the acquisition of the corridor, the executive will undertake an active outreach process that includes at least the following elements: public meetings in local communities; a

mailing list to provide updates to interested persons; a website posted with project status and progress; regular communications with communities along the route, interest groups and local newspapers and other media outlets. Furthermore, the council will review the forthcoming recommendation from the Puget Sound Regional Council's Executive Board and input from the oversight committee established by PSRC prior to establishing or altering the specific use or uses of the corridor.

G. The region has learned from the experiences of Sound Transit negotiations with the BNSF Company that obtaining access to the existing regional rail system can be difficult. It is the intent of the council that any agreement negotiated by the executive shall include overhead trackage rights for future passenger service, including the Spirit of Washington Dinner Train, on four miles of BNSF right of way south of the forty-seven mile segment to the junction of tracks currently used by Sound Transit commuter rail.

H. BNSF has made clear its intent to sell the trail to either public or private entities. It is critical to acquire this corridor in public ownership so that any decisions about the future of the corridor are made by the public and serve the public interest.

I. It is the intent of the council that a refundable deposit of \$3,500,000 be made toward the acquisition of the property and that it shall be funded through an interfund loan from the current expense fund. Making said deposit from the current expense fund shall in no way commit the current expense fund to financing any portion of a potential purchase of the property. It is the further intent of the council that, should the purchase of the rail line go forward, the financing plan for the purchase will provide for reimbursement of the \$3,500,000 to the current expense fund and \$300,000 to the REET I fund. In the event that the purchase does go forward, the refundable deposit will be returned to the current expense fund and the REET I fund will be reimbursed the \$300,000.

J. The county has historically secured federal funding to assist with corridor preservation and will aggressively pursue federal funding for the potential acquisition of significant segments of the BNSF corridor and coordinate this activity with the Puget Sound Regional Council and other entities.

K. It is the intent of the council that the due diligence effort being funded by this appropriation will include:

1. An analysis of impacted, private sector business enterprises along the rail corridor who use it now and who plan to use it in the future;
2. An analysis of the fiscal, management and legal issues of subcontracting rail management to a private company;
3. Estimates of the cost of the repairs that would be necessary to maintain the rail line as a working freight corridor;
4. An appraisal of the property that includes an analysis of existing conditions and use; and
5. A legal analysis of the federal rail banking provisions and potential use for rails and trails.

L. No agreement should be submitted to the clerk of the council that does not allow at least sixty days for council consideration before funds must be committed or refundable moneys will be lost.

M. It is the intent of the council that the due diligence effort being funded by this appropriation shall include an analysis of impacts on traffic flows and a financial analysis of any needed improvements to insure the safety of trail users where the trail intersects with major roads and arterials along its route, including but not limited to: the intersection with NE 8th St. in Bellevue; NE 85th St., NE 116th St. and 124th Ave. NE in Kirkland; and major intersections in Kenneydale, South Renton and Woodinville.

SECTION 2. There is hereby authorized and adopted the creation of the BNSF Rail Line acquisition project for acquisition of the railroad corridor currently owned by Burlington Resources and located between several eastside King County cities, including Renton, Newcastle, Bellevue, Kirkland, Redmond and Woodinville, to the Snohomish county line, consistent with the findings of this ordinance.

SECTION 3. Ordinance 15083, Section 42, as amended, is hereby amended by adding thereto and inserting therein the following;

From the current expense fund there is hereby appropriated to:

CIP CX Transfers \$3,500,000

SECTION 4. Ordinance 15083, Section 114, as amended, is hereby amended by adding thereto and inserting therein the following:

From the real estate excise tax I fund there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment I to this ordinance.

<u>Fund</u>	<u>Capital Fund Name</u>	<u>Amount</u>
3681	REET I	\$300,000

SECTION 5. Attachment I to this ordinance hereby amends Attachment B to Ordinance 15083, as amended, by adding thereto and inserting therein the projects listed in Attachment I to this ordinance.

SECTION 6. Ordinance 15083, Section 117, as amended, is hereby amended by adding thereto and inserting therein the following:

From the open space King County non bond sub-fund there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment E to Ordinance 15083.

<u>Fund</u>	<u>Fund Name</u>	<u>Amount</u>
3522	Open Space KC Non-Bond Sub-fund	\$3,800,000

ER2 EXPENDITURE RESTRICTION:

Of this appropriation, \$3,500,000 shall be expended solely for the purpose of making a refundable deposit into escrow on the acquisition of Burlington Northern Santa Fe rail line. Any interest earned on such deposit while these funds are in escrow shall accrue one-half to Burlington Northern Santa Fe Railway Company and one-half to King County, in accordance with the agreement between the county and Burlington Northern Santa Fe Railway Company, dated May 9, 2005.

SECTION 7. Attachment II to this ordinance hereby amends Attachment E to Ordinance 15083, as amended, by adding thereto and inserting therein the projects listed in Attachment II to this ordinance.