

WHO “OWNS” THE EASTSIDE RAIL CORRIDOR? WHAT ARE THEIR “RIGHTS?”

The Eastside Rail Corridor Regional Advisory Council was formed in December 2012 by County Motion 13801 to allow the owners of the railbanked portion of the Eastside Rail Corridor (the area south of Woodinville) to start a regional planning process to coordinate uses of this critical Corridor.

ERC ownership is complicated because there are multiple owners – both public and private - who have purchased portions of the Corridor for different purposes. These owners are also at different stages in their individual planning processes for their use of the Corridor. It is also important to note that not all of the ERC is in the railbanked portion of the Corridor.

Background

The name “Eastside Rail Corridor” is used to describe the Woodinville Subdivision rail line previously owned by BNSF that stretches from Renton to the City of Snohomish (mileposts 5.0 to 38.25) as well as a spur line that stretches from the City of Woodinville to the City of Redmond (mileposts 0.0 to 7.3). In 2003, BNSF announced its intention to sell the ERC and it set a deadline for when the Corridor had to be purchased, as a whole, or it would be sold off in pieces.



Local organizations and governments, including King County, determined that preserving this Corridor was an unprecedented opportunity to provide trail, utility, transit and rail opportunities for regional public benefit.

Federal Law Affects Ownership and Uses of the ERC

Federal law carefully regulates the sale, purchase and use of a rail line. In general terms when a railroad company ends service on a rail line the property may be preserved through a process that is referred to as “railbanking.” Railbanking is an option provided by the federal government that allows a rail corridor to be protected by allowing it be used on an interim basis for trail and other compatible purposes while keeping the corridor intact and available for future freight service. A trail on a railbanked

line acts as a marker of the preserved corridor - a way of both using the corridor on an interim basis to benefit the region it runs through, while also preserving it as part of the national rail system for future freight use.

In order for the federal government to approve a rail line as railbanked, an organization must commit to manage the corridor for “interim trail” and other compatible uses. That responsible organization is referred to as an “interim trail sponsor.” If there is no approved interim trail sponsor for a corridor, then the corridor may be “abandoned” (broken up and sold to different owners). Although it is technically labeled “interim,” trail use can continue indefinitely. If a railbanked line is reactivated for freight service trail use might end. It is also possible, however, to allow trail use to continue as long as it is capable of coexisting with freight rail use.

History of Eastside Rail Corridor Purchases since 2008

The first major step in preserving the ERC was a 2008 three-party transaction between BNSF, King County and the Port of Seattle, which resulted in the Port in 2009 purchasing the entire Corridor, including the Redmond Spur. This was done with the understanding that other local organizations would purchase portions of the Corridor from the Port.

In the case of the ERC, the portion of the Corridor south of Woodinville (including the Redmond Spur) was railbanked when the Port acquired the property from BNSF in 2009. The portion of the Corridor stretching north from Woodinville to the City of Snohomish remains in active freight service.

The interim trail sponsor for the railbanked portion of the Corridor is currently King County. Subject to approval of the federal Surface Transportation Board, the County has agreed to transfer interim trail user sponsorship to the City of Redmond within the portion of the Corridor that Redmond owns.

There is also a Right of Way License (License) that applies to the northern 2.5 miles of the railbanked Redmond Spur. This License authorizes excursion passenger service similar to the old Dinner Train. The License could allow excursion passenger service to use this segment of the Redmond Spur and then connect to the portion of the Corridor that remains in active freight service and that runs north from Woodinville to the City of Snohomish. The License was originally issued in 2009 by the Port to GNP Rly, Inc. (GNP) and has a term that could extend up to twenty years. Eastside Community Rail, LLC (Eastside Community Rail) recently acquired GNP’s assets through bankruptcy proceedings. As a result, Eastside Community Rail acquired the Right of Way License. It also acquired from GNP the right to provide freight and excursion passenger service on the portion of the ERC north of Woodinville that is in active freight service and is not railbanked.

King County has seen the value of preserving this Corridor for a decade and completed its final Corridor acquisition in February 2013. The current set of permanent owners of the railbanked portion of the ERC and their ownership interests are as follows:

1. The City of Redmond purchased a portion of the Redmond Spur (mileposts 3.4 to 7.3) within its City limits for multiple uses, including a trail. Redmond is starting to implement its plans for this portion of the Spur.
2. Puget Sound Energy purchased a utility easement throughout the ERC (mileposts 5.0 to 38.25 on the mainline and 0.0 to 3.4 on the Redmond Spur) for future utility needs as our region grows.
3. The City of Kirkland purchased the portion of the Corridor from mileposts 14.65 to 20.35. Kirkland residents passed a parks levy in November 2012 to help fund a trail on the City's portion of the Corridor and the City is in the midst of its planning process.
4. Sound Transit purchased just over one mile of the Corridor in Bellevue (mileposts 12.4 to 13.5) and also purchased easements to allow it to operate high capacity transit throughout the rest of the railbanked portion of the ERC. Sound Transit has begun near term and long range planning that may include this Corridor.
5. King County purchased the entire railbanked portion of the ERC except where already owned by Redmond, Kirkland or Sound Transit. King County also owns an easement for trail and railbanking purposes within the portions of the Corridor owned by those three entities. King County is just beginning its planning efforts.

The permanent ownership interests listed above are varied and each owner is at a different stage in its respective planning process. Because of the complications surrounding various plans and ownership interests in the railbanked portion of the ERC, King County policymakers believed it was important to bring all these owners together to collectively coordinate planning efforts for the benefit of all these owners and the affected public.

These organizations that have purchased permanent ownership interests in a part of the railbanked portion of the ERC have committed to multiple uses for the Corridor including rail, trail and utilities.

Representatives of these ERC owners – King County, Sound Transit, the cities of Redmond and Kirkland, and Puget Sound Energy – will meet during 2013 to begin a regional planning process for the railbanked portion of the ERC.