



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 10, 2015

Motion 14455

Proposed No. 2015-0439.2

**Sponsors Hague, Phillips, Dembowski and
Dunn**

1 A MOTION approving the executive's plan for phased
2 removal of rail tracks from the Eastside Rail Corridor and
3 authorizing the executive to proceed with such a plan, in
4 compliance with Ordinance 17503.

5 WHEREAS, the Woodinville Subdivision, formerly referred to as the Burlington
6 Northern-Santa Fe ("BNSF") rail line corridor, is an approximately forty-two-mile long
7 railroad corridor that extends south from the city of Snohomish in Snohomish county to
8 the cities of Renton and Redmond in King County, passing through unincorporated King
9 County and the cities of Woodinville, Kirkland, Bellevue, Renton and Redmond, and

10 WHEREAS, in accordance with the federal National Trails Act and its
11 implementing regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29 ("the Trails Act"), in
12 December 2009 King County entered into an interim trail use agreement with BNSF
13 Railway Company to railbank a portion of the Woodinville Subdivision on the mainline
14 from Woodinville to Renton as well as the Redmond Spur from Woodinville to
15 Redmond, subject to reactivation for the resumption of interstate freight service, and

16 WHEREAS, the railbanked portions of the Woodinville Subdivision are now
17 known as the Eastside Rail Corridor ("ERC"), and King County remains the designated
18 interim trail user for the ERC outside the city of Redmond, and

19 WHEREAS, on February 8, 2013, after the Central Puget Sound Regional Transit
20 Authority ("Sound Transit") acquired a high-capacity transportation easement and other
21 property interests in the ERC, and after Puget Sound Energy, the city of Redmond and
22 the city of Kirkland acquired interests in the ERC, King County and the Port of Seattle
23 executed a purchase and sale agreement through which King County acquired from the
24 Port of Seattle all of the port's remaining property interests in the ERC in support of
25 outcomes including: providing a well-integrated trail system that supports the regional
26 transportation network; consolidating the property rights that undergird the regional
27 wastewater system that protects water quality and aids economic development;
28 supporting other uses; and preserving the ERC for reactivation for the resumption of
29 interstate freight service, and

30 WHEREAS, the ERC is a regional asset that through ongoing public ownership
31 can be managed to support shared objectives of a vibrant, growing community, and

32 WHEREAS, in October 2013 the ERC Regional Advisory Council established a
33 vision for the ERC as a corridor whose development will: enhance the mobility of our
34 region by creating a critical north-south transportation corridor that will allow for
35 multimodal connections, including high-capacity transit, such as heavy rail, light rail or
36 other forms of fixed guideway transportation, and nonmotorized trail use; help the region
37 integrate the pieces of our larger transportation networks; enable key utility
38 improvements to help meet the demands of a growing population; and expand the
39 recreation network, creating equitable access for all residents and benefiting generations
40 of Puget Sound residents, and

41 WHEREAS, King County's property interests include areas of the ERC where
42 significant elements of rail infrastructure, including rails, ties, ballast, and associated
43 equipment and structures necessary for the prior operation of rail-based uses, remains in
44 place, and

45 WHEREAS, these areas include segments on the mainline from: approximately
46 milepost 5.0 to milepost 10.8, which is the south end of the Wilburton "Gap";
47 approximately milepost 11.5, which is the north end of the Wilburton "Gap" to milepost
48 12.4; approximately milepost 13.5 to milepost 14.8, which is the south end of the Cross
49 Kirkland Corridor; approximately milepost 20.3 to 23.8, which is the southern limit of the
50 Woodinville "wye"; and on the Redmond Spur from milepost 0.0 to approximately
51 milepost 3.4, which is the north end of the Redmond Central Connector, and

52 WHEREAS, the entire rail infrastructure at the Wilburton "Gap" where the ERC
53 formerly crossed over Interstate 405 was removed in 2007 and 2008 with BNSF's consent
54 as part of improvements to that highway by the Washington state Department of
55 Transportation, and

56 WHEREAS, the rails and ties have been removed from the ERC in the areas of
57 ownership of the city of Kirkland, which is approximately 5.5 miles, and the city of
58 Redmond, which is approximately 3.4 miles, and Sound Transit anticipates removing the
59 rails and ties from the mainline of the ERC in connection with its planned Wilburton
60 Station as well as its Operations and Maintenance Satellite Facility for the East Link light
61 rail project, from approximately milepost 12.4 to 13.5 of the mainline near the Spring
62 District of Bellevue, and

63 WHEREAS, Eastside Community Rail holds a limited-duration license allowing
64 the use of the railbanked Redmond Spur from milepost 0.0 to 1.0 for head and tail
65 operations in support of ongoing rail freight service on the Woodinville Subdivision
66 northerly of the railbanked portion of the ERC, and the existing rail infrastructure in that
67 segment of the Redmond Spur enables this licensed use, and

68 WHEREAS, there are no other active rail-based commercial uses in any areas of
69 the ERC, and

70 WHEREAS, the rail infrastructure acquired by King County, other than that from
71 milepost 0.0 to milepost 1.0 of the Redmond Spur, was obsolete and not significantly
72 maintained or improved for rail-based commercial uses in the several years before King
73 County's acquisition, and

74 WHEREAS, with rails and ties in place the parks and recreation division of the
75 department of natural resources and parks must undertake maintenance of the ERC from
76 rail-based vehicles, with associated wear on the aging rails, ties and associated rail
77 infrastructure that will necessitate repair and replacement of rails, ties and associated rail
78 infrastructure, and

79 WHEREAS, performing corridor maintenance from the rails creates operational
80 inefficiencies for maintenance activities and the need to repair and maintain specialized
81 maintenance equipment, and

82 WHEREAS, the ERC contains numerous drainage structures including aging
83 ditches and culverts, several of which are currently causing or contributing to failures of
84 the rail infrastructure and making it increasingly unsuitable or unsafe for use in rail-based
85 corridor maintenance activities, and

86 WHEREAS, as soon as mid-2016 and on an ongoing basis King County will need
87 to either forego needed maintenance or to budget additional funds to repair and replace
88 aging rail infrastructure due to wear, use from maintenance activities and railbed
89 degradation from drainage system impacts, and

90 WHEREAS, removal of rail infrastructure from railbanked corridors is allowed
91 under the Trails Act and its regulations and is anticipated in railbanking implementation
92 policy and processes, and

93 WHEREAS, removal of rail infrastructure from the ERC can enable the
94 development of other uses that will benefit the public and the multiple-purpose vision for
95 its development, and

96 WHEREAS, removal of rails and ties from the ERC can improve the efficiency
97 and cost-effectiveness of property maintenance activities by improving access to the
98 property, eliminating the need to maintain and acquire specialized maintenance
99 equipment, and eliminating the need to repair or replace rail infrastructure from which
100 current maintenance activities must be performed, and

101 WHEREAS, removal of rails and ties from the ERC can improve the efficiency of
102 maintenance and enhancement of existing utility infrastructure such as the wastewater
103 treatment division's eastside interceptor, for example by decreasing travel times to facility
104 locations and providing increased access in close proximity to facilities that must be
105 maintained on a regular and ongoing basis, and

106 WHEREAS, removal of the existing rails and ties from the ERC can promote
107 safety of the general public currently informally using the corridor as well as King
108 County property management and maintenance staff, and can enable emergency

109 management vehicles to access more remote portions of the corridor more easily in
110 emergencies, and

111 WHEREAS, Sound Transit's acquisition of a high-capacity transportation
112 easement and other rights in the ERC provides strong protection for development of high-
113 capacity transportation relative to other uses of the corridor, and

114 WHEREAS, Ordinance 17503, Section 4, states in part that "before the King
115 County executive may proceed with any rail track removal, the executive must coordinate
116 with Sound Transit and obtain the approval by motion of the King County council," and

117 WHEREAS, the department of natural resources and parks has coordinated with
118 Sound Transit as directed in Ordinance 17503, and Sound Transit has assessed the
119 viability of using the existing rails and related infrastructure in support of implementing
120 high-capacity transit uses in the ERC. As a result, Sound Transit has provided a
121 statement indicating the existing rails and ties would not be of benefit to the future
122 development of high-capacity transit uses in the ERC, and

123 WHEREAS, removal of the existing rails and ties from the ERC supports King
124 County Comprehensive Plan principles of creating sustainable neighborhoods, directing
125 development toward existing communities, and providing transportation choices, and
126 supports equitable development of and access to multiple transportation modes and
127 promotes sustainability and resilience in the face of climate change and population
128 growth, and

129 WHEREAS, the ERC has a rich history of rail transportation use that was a
130 contributor to the growth of the region, which history can be recognized through and
131 woven into future development of the ERC, and

132 WHEREAS, the implementation of the long-term ERC trail will be determined by
133 the ongoing ERC Trail Master Plan process being conducted by the parks and recreation
134 division, and

135 WHEREAS, as directed in Ordinance 17503, the department of natural resources
136 and parks has developed and submitted a rail removal plan, Attachment A to this motion,
137 which describes a phased approach for the removal of rails and ties from the ERC, and

138 WHEREAS, the rail removal plan calls for negotiations for contracting in support
139 of rail removal implementation on the Redmond Spur to be initiated in the second quarter
140 of 2017;

141 NOW, THEREFORE, BE IT MOVED by the Council of King County:

142 A. The executive's rail-removal plan for the Eastside Rail Corridor, substantially
143 in the form of Attachment A to this motion, is approved and the executive may proceed
144 with phased rail removal activities according to the scope and schedule indicated in that
145 plan.

146 B. The parks and recreation division will solicit requests for proposals to

147 evaluate the viability of excursion services that could utilize the existing rails on the
148 Redmond Spur, with the process to be completed by the first quarter of 2017 or earlier.
149

Motion 14455 was introduced on 10/26/2015 and passed by the Metropolitan King County Council on 11/9/2015, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Mr. Dunn,
Mr. McDermott, Mr. Dembowski and Mr. Upthegrove

No: 0

Excused: 2 - Ms. Hague and Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Eastside Rail Corridor Rail Removal Plan dated October 29, 2015, as amended

Eastside Rail Corridor Rail Removal Plan

Purpose

Ordinance 17503 (December 2012) contains prerequisites in order for the King County Executive to proceed with any rail track removal on the Eastside Rail Corridor (ERC). One of those prerequisites is that the Executive shall submit a rail removal plan along with a motion to the Council. This Rail Removal Plan (Plan) is intended to fulfill that requirement. This Plan explains background conditions and reasons for rail removal; proposes a phased approach to rail removal and associated timing by location; and outlines the anticipated schedule and funding source.

Reasons for Rail Removal

When King County acquired portions of the ERC from the Port of Seattle in 2013, it acquired all of the rail infrastructure located there, including rails, ties, ballast, drainage structures, and other structures and equipment that formerly supported rail uses of the ERC that had been discontinued by 2008. During the latter years of Burlington Northern-Santa Fe's (BNSF) ownership, as its operations ceased in the corridor, BNSF reduced or eliminated its maintenance activities, and vegetation became overgrown, trestles aged, and surface and ground water found new pathways, leading to deterioration of the rail bed and track system. As explained further below, in many areas the rail infrastructure was already in poor condition in 2008 and is in worse condition today. The poor condition of the rail infrastructure has affected the efficiency of and added costs to King County's maintenance of the property, and affected other uses of the property that comport with railbanking and the multiple-purpose vision for the ERC. Each of the primary reasons supporting rail removal is explained below, generally falling under four categories: Improved Operational Efficiency and Safety; No Anticipated Use of Existing Rail Infrastructure; Improving the Corridor's Recreational Function and Value; and Alignment with Policy Guidance Related to Corridor Development

1. Improved Operational Efficiency and Safety

Removal of the rail infrastructure will improve access, efficiency and safety for maintenance and operations while ensuring effective use of public funds.

Since acquiring portions of the corridor, the Parks and Recreation Division of the Department of Natural Resources and Parks (Parks) has worked to clear invasive and hazardous vegetation, clean culverts, and address graffiti problems. However, the rails and ties in place along the County-controlled segments of the railbanked ERC prevent Parks' regular maintenance equipment from accessing all areas of the corridor. As a result, in 2013 Parks purchased a high-rail truck to operate on the existing rails and provide a form of access to crews in order to perform some of the ongoing operations and maintenance requirements. Because Parks staff is forced to perform maintenance of the ERC from rail-based vehicles, they are limited in terms of the equipment available to them, and the work they are able to perform. Further, the rails limit the places where Parks may access the ERC from adjoining roads or other properties. Using rail-based vehicles also results in yet more wear-and-tear on the aging rails, ties, and associated rail infrastructure.

The condition of the rails in many places is failing. Removal of rails and rail equipment in the ERC will address a variety of maintenance-related issues:

- Performing basic corridor maintenance from the rails not only requires specialized equipment, but also imposes the need for additional work to maintain the rail infrastructure itself. Removal of the rails, ties, and related equipment would allow Parks to use its regular trail maintenance equipment and reduce the time and effort needed to perform ongoing maintenance.
- Limited corridor access requires longer travel times to project locations. Removal of the rails would expand the access points available to Parks and reduce travel time and costs.
- Parks lacks the funds needed to undertake replacement of existing failed sections of rail infrastructure and other deferred maintenance required to continue using the high-rail vehicle. Longer term, far more rail infrastructure replacement would be required, including replacing roughly 23,500 failed ties, at a cost of approximately \$390,000/mile¹ (approximately \$6M for the King County ownership area).
- Several culverts along the rail corridor are failing, and must be repaired to avoid impacts on-site and to neighboring properties, which will require removal of rails in order to access the culverts. Removing the rails from all the County's segments of the ERC will eliminate the need to replace the rails after culvert repairs, which will eliminate those additional project costs.

2. No Active or Currently Anticipated Use of Existing Rail Infrastructure

No portion of the mainline between Woodinville and Renton or the Redmond Spur south of milepost 1.0 – the northerly limit for proposed removal activities on the Spur – is being used for rail-based uses at this time. There are no pending proposals for reactivation of freight service, and King County expects that the costs of any future freight reactivation proposal (including the cost to rehabilitate or upgrade track structures) will be borne by the party proposing reactivation. At this time there are no active or licensed excursion service operations or active proposals to reestablish excursion service or any other rail use on the corridor.

Although the entirety of the corridor is intended for multiple uses, encompassing nonmotorized and transit uses, there are currently no known transit uses for the existing rail infrastructure, whether for high-capacity transportation uses like light rail or otherwise. For its part, Sound Transit will be removing the existing rails from the “Sound Transit Mile” in Bellevue to facilitate construction of Wilburton Station, the Operations and Maintenance Satellite Facility (OMSF), and related elements of the East Link light rail system. Furthermore, Sound Transit officials have confirmed that the existing rail infrastructure is of no use to them in implementing their High Capacity Transit Easement over the remainder of the ERC outside of Redmond. Sound Transit has written a letter to this effect, a copy of which will be submitted with this Plan in connection with the proposed motion to authorize rail removal as required under Ordinance 17503.

3. Improving the Corridor's Recreational Function and Value

The existing track and ties impede the implementation of other uses, including recreational uses, in the County-controlled segments of the ERC.

Removing the rails and ties would facilitate recreational functions and values over both the near term and the long term. In the near term, removing the rails and ties would reduce the risks to

¹ Based on costs identified in the Missouri Rail Plan 1995 Update, adjusted for inflation and confirmed by recent local estimates of cost per mile for rail construction.

corridor users that are currently traversing the railbed, both on foot and on bikes, and would facilitate the access of public safety vehicles to the corridor in emergency situations. In the longer term, and subject to the County’s ongoing ERC Master Planning process, removal of rails and ties from the rail bed would facilitate the most cost-effective, timely construction of an interim trail use of the corridor as it would make the rail bed available for an existing, contiguous, and Americans With Disabilities Act-graded pathway of generally sufficient width to support bike and pedestrian uses. If the rails and ties remain in place then the rail bed almost certainly would not be a practical option for future trail improvements.

4. Alignment with Policy Guidance Related to Corridor Development

Rail removal is in alignment with policy direction established for the development of the corridor. Rail removal is consistent with railbanking regulations and does not affect the availability of the corridor for reactivation of freight service. Rail removal is consistent with the Regional Advisory Council’s vision for the corridor, including by helping foster multi-modal connections between neighborhoods and economic centers through dual use of the corridor for both nonmotorized and transit facilities, supporting utility maintenance and development, and expanding the recreational trail network. Actions enabled by rail removal support King County Comprehensive Plan objectives including creating sustainable neighborhoods, directing development toward existing communities, and providing transportation choices.

Rail Removal Phasing (Timing & Locations)

Parks will employ a two-phase approach to removing the existing tracks and ties from the County-controlled segments of the ERC.

Upon approval of this rail removal plan by motion of the King County Council, Parks would implement removal of the rails in two phases over the geographical areas shown in Figure 1. Phase 1 will address all King County-owned areas of the railbanked ERC south of the Kirkland-King County ERC property boundary near 108th Avenue NE in Bellevue, and extending southerly to Coulon Park in Renton where King County’s ERC ownership ends. Design and permitting of rail removal will be initiated in early 2016 with Phase 1 rail removal to be completed by mid- 2017, or as soon as practicable.

Anticipated Schedule for Rail Removal

	2016				2017				2018			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Phase 1												
Site Plan Development	█	█										
Permitting		█	█									
Bid and Award Construction Contract				█	█							
Rail Removal Construction				█	█	█						
Phase 2- TBD Dependent on Excursion Rail RFP												
Site Plan Development	█	█										
Permitting		█	█									
Issuance of RFP for Excursion Service					█							
Bid and Award Construction Contract						Tentative						
Rail Removal Construction								Tentative				

Phase 2 will address all King County-owned areas of the railbanked ERC north of the ownership areas of the City of Kirkland and the City of Redmond, except the area from milepost 0.0 to 1.0 of the Redmond Spur, where the rail would be left in place in observance of the existing license for head and tail freight operations there. In Phase 2, on completion of the Trail Master Plan and on adoption by the County Council of the preferred alternative for trail development in the corridor, Parks will solicit proposals for excursion or other rail-based service on any and all portions of the corridor north of the ownership areas of the City of Kirkland and the City of Redmond. If no feasible proposal for rail-based service be submitted within 90 days of the issuance of the Request for Proposal (RFP), then Phase 2 removal activities will start on the mainline portion of the ERC and then move to the Redmond Spur. For purposes of the RFP, a feasible proposal must include a business case supported by operators with proven success in operating excursion services, financial commitments for all necessary capital investment required to recondition or refurbish the railbed for such service and proof of operating funds available to support the business case through profitability.

Rail removal is not being driven by considerations regarding Parks' implementation of the long term ERC trail. Parks' ERC Trail Master Plan process will determine the location of the long term ERC trail. Removal of rails and ties is currently anticipated to begin later than Council approval of the ERC Trail Master Plan. Phase 1 site plan development, permitting and bid and award activities shall begin as soon as practicable after approval of this plan; Phase 2 site plan development and permitting activities may occur concurrent with those for Phase 1. Phase 2 bid and award activities will occur only after issuance of the Request for Proposals for excursion or other rail based service north of the ownership areas of the City of Kirkland and the City of Redmond, and only if no feasible proposals have been received within the time allotted. Council approval of the ERC Trail Master Plan is currently anticipated to be under Council consideration in the fourth quarter of 2016.

- During rail removal design, Parks will identify areas along the corridor where development adjacent to the corridor that occurred after construction of the rail bed has resulted in narrow street widths and where the Trail Master Plan could offer opportunities for improvement.

Funding Source

It appears that rail salvage could generate modest revenue in excess of removal costs, which with other funding sources developed in collaboration with co-owners and stakeholder groups could be used in support of projects and activities in the corridor.

However, at present it is intended that removal of rails and ties would be primarily funded through the Regional Trails Reserve Fund in the Parks budget. These funds are a reserve balance of previously uncommitted funds in the Regional Trails Fund, sourced from the Parks Levy through a mid-biennium supplemental budget request being transmitted to the Council concurrent with this transmittal for review and approval. The mid-biennium supplemental request includes a request for budget authority to expend funds toward rail removal. At present, \$1,550,000 is requested toward the engineering design and rail removal construction costs. This rail removal plan is subject to any and all of the terms and conditions of that separate budget appropriation.