



REGIONAL ADVISORY COUNCIL

Eastrail RAC Materials

October 17, 2019

10:00 am- 12:00 pm

City of Redmond Council Chambers

15670 NE 85th St
Redmond, WA 98052

10:00 AM – 10:05 AM Introductions and Agenda Review

- RAC Chair/KC Councilmember Claudia Balducci

10:05 AM – 10:10 AM Approval of Meeting Summary for July 12, 2019 RAC Meeting

- RAC Chair/KC Councilmember Claudia Balducci

10:10 AM – 10:40 AM Trail Development Progress and Upcoming Implementation (Information Item)

- Curt Warber, King County
- Kimberly Scrivner, City of Kirkland
- Jeff Aken, City of Redmond

10:40 AM – 11:00 AM Eastrail Partners Formation and Coordination with the RAC (Information and Discussion Item)

- Stacy Graven, Community Leader and Eastrail Partners Secretary
- Taldi Harrison, REI and Eastrail Partners Director

11:00 AM – 11:30 AM Development of 2020/21/22 RAC Work Plan (Discussion and Direction Item)

- RAC Principals Staff Team

11:30 AM – 11:40 AM Confirmation of RAC Chair and Vice Chair for 2019-2021 Terms (Decision Item)

- RAC Chair/KC Councilmember Claudia Balducci

11:40 AM – 11:50 AM Member Progress and Success Updates

11:50 AM – 12:00 PM Public Comment

Adjourn



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EASTSIDE RAIL CORRIDOR REGIONAL ADVISORY COUNCIL

MEETING SUMMARY

July 12, 2019 – 1:30 PM

Bellevue Botanical Gardens Education Center

Advisory Council Members Present: Claudia Balducci, King County Councilmember (Chair); Jay Arnold, Deputy Mayor, City of Kirkland (Vice-chair); Angela Birney, Council President, City of Redmond; Russ Bosanko, Parks Operations & Community Partnerships Manager, Snohomish County; Susan Boundy-Sanders, Woodinville Councilmember; Randy Corman, Renton Councilmember; Luke Lamon, Government and Community Relations Officer - Eastside, Sound Transit; Richard Smith, Eastside Greenway Alliance; David Hoffman, Local Government Affairs and Public Policy Manager, Puget Sound Energy; John Stokes, Bellevue Councilmember; and Christie True, Director of King County Natural Resources and Parks.

Welcome and Introductions

Vice-chair Jay Arnold called the meeting to order at 1:07 p.m., welcomed all in attendance and asked the Regional Advisory Council (RAC) members to introduce themselves.

Approval of Meeting Summary

Councilmember Stokes moved approval of the April 5, 2019, meeting summary. There being no objections, the summary was approved.

Fiber Feasibility Study Final Report

Brenda Cooper, Chief Information Officer, City of Kirkland, and Darryl E. Hunt, IT Project Manager, King County; provided a presentation and answered questions from the members. The presentation addressed the following:

- The background behind the fiber feasibility study report
- Uses of fiber
- Feasibility project scope
- Feasibility study highlights
- Conceptual design options
- Business models and return on investment
- Next steps and recommendations

Staff will be available to meet with members outside of the RAC meeting to discuss this topic in further detail and will keep the Principal Staff Team apprised of new developments.

Formation of the Eastrail Partners Entity and Supporting RAC Resolution

Gene Duvernoy, Matt Cohen and Bill Finkbeiner, Eastrail Partners, addressed the history leading up to the organization of Eastrail Partners. Articles of Incorporation for Eastrail Partners, a nonprofit corporation, were filed yesterday with the Secretary of State. The group is comfortable that they have met their obligation of \$100,000 of funding from outside sources. Since the corporation has not yet been approved as a 501(c)3 by the IRS, it has partnered with The Seattle Foundation who will act as their fiscal host for contributions. A formal agreement is in the works. Initial Board of Directors consists of Stacy Graven, Gene Duvernoy and Greg Johnson. The hope is to have their initial meeting in August. Plan to build a board that reflects the diversity of the communities that the Eastrail touches. Discussion ensued regarding the relationship of this new entity to the RAC.

Action: Councilmember Stokes moved approval of the resolution to form the Eastrail Partners entity and ask the member organizations to secure funding and make the transfer to the Eastrail Partners by September 30, 2019. Councilmember Birney seconded the motion. There being no objections, the motion was approved by consensus.

Branding and July 20th Event Update

Joe Inslee, Communications Specialist, King County Parks Department, addressed the upcoming event planned for Saturday, July 20, from 10 a.m. – 12 p.m. on the Redmond Central Connector. The goals of this event are to introduce the new Eastrail brand, introduce Eastrail Partners and community activation. Cascade Bicycle Club and REI have collaborated to provide events and activities.

Other branding activities include a new website that will be launched next Thursday, development of outreach materials and production of items such as water bottles, buttons, etc. Another concept in the works is the Eastrail mobile experience, which would be some sort of mobile item (e.g., cart, etc.) that could be taken to various events to interact with the public and promote the trail.

2021-2023 Eastrail Work Plan and Budgeting

The RAC is looking for input from staff and members regarding goals for the next few years. As these goals are set for the next few years, the RAC would like to try to anticipate funding needs well in advance.

The Chair and Vice-chair terms expire at the end of this year. This will be decided by consensus at the next meeting.

The Chair expressed thanks to the staff from all jurisdictions for their work over this past year.

Member Progress and Success Updates

Renton – Discussion about having an extension of the Eastrail connect to the inner road system of Gene Coulon Park.

Snohomish County – Moving forward with their 60% design. The fiber component will be considered as an addition to the design.

Sound Transit – Projects along the trail continue to move along. The final portion of the public art installation next to the OMFE is going up.

Eastside Greenway Alliance – In addition to the work for the event on July 20th, they have been holding policy rides with Boards of Directors and stakeholders showcasing the work that is happening and the work that will be done.

Bellevue – Appreciate all the outreach and public engagement. It is an opportune time for them as they would like to coordinate those efforts with the Bellevue Arts Program.

Kirkland – Several Councilmembers will be at the July 20 event.

King County – Working internally on a County ordinance to formally change the name to Eastrail. Working to develop ideas to acknowledge the Japanese-American contributions to the eastside. One opportunity for this is at the bridge crossing at NE 8th Street in Bellevue.

Redmond – Celebration on the 20th on the Redmond Central Connector. “So Bazaar” will be held on August 15th, 22nd and 29th at the Redmond Central Connector Park & Downtown Park. A piece of sculpture called the “Erratic” needs to be moved for Sound Transit work.

Public comment

The following attendees offered public comment:

David Allen – Urged members to keep the focus on connections points like Gene Coulon Park. Consider the Grand Connection as important to all of you as it can be used as a guiding point for any of the jurisdictions.

Chair Balducci suggested discussion of all potential connection points as a possible work item for next year.

John Kerns – Has property along the railroad tracks just south of Snohomish. Commented on a lawsuit against the investor who owns the easement to run freight between Woodinville and the City of Snohomish. Asked the RAC if they care about trains or not.

Chair Balducci noted that the RAC had not been briefed on any legal activity and asked staff to get information to the members who are party to whatever litigation is taking place. As far as the rails, that is a big question, noting that the different jurisdictions have different opinions on passenger rail.

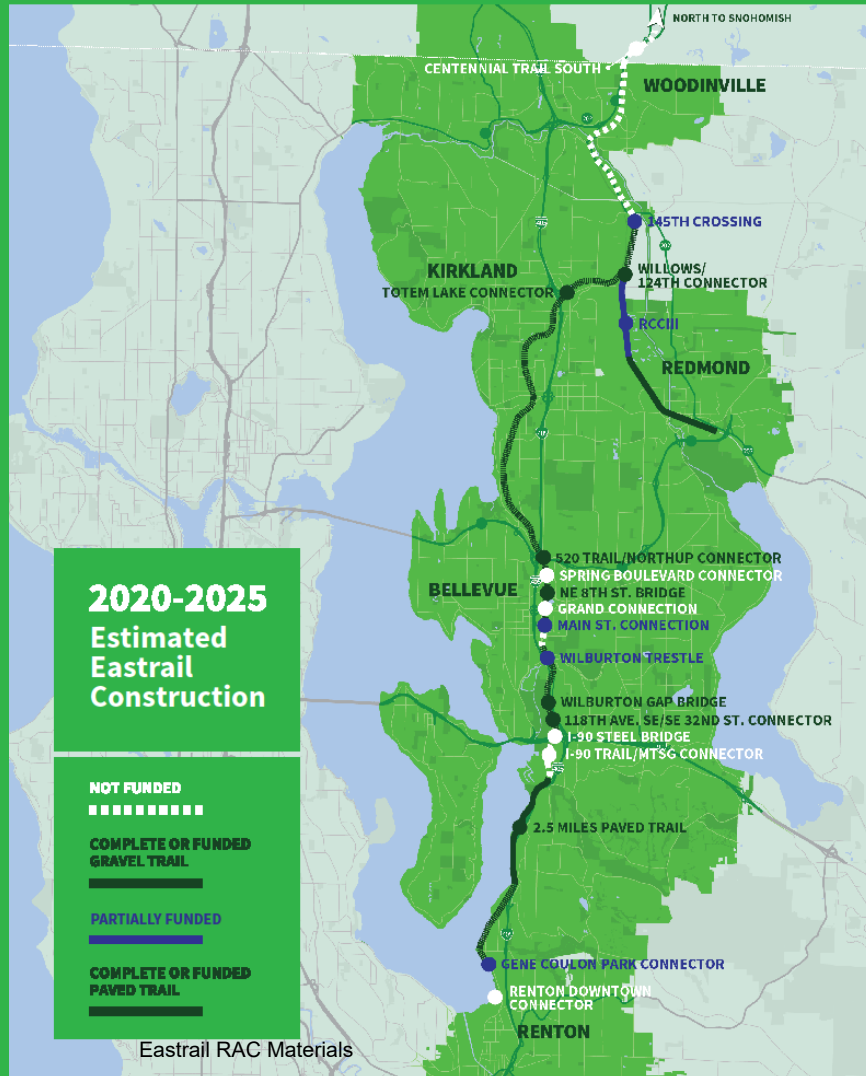
Adjournment

The meeting adjourned at 2:37 p.m.

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Upcoming Eastrail Construction



Eastrail Regional Advisory Council
October 17, 2019

An Estimated Construction Outlook

Timeline and cost information is current as of October 2019 and is based on the best available information at this time.

Estimating standards vary between agencies and based on the extent of design work completed for each project. Contact Joe Inslee, King County Parks for questions or clarification, jinslee@kingcounty.gov

Project Categories

The Eastrail Funding Commission recommended a three-part strategy for completing the trail:

- Connect
- Construct
- Complete

COMPLETING THE EASTRAIL

CONNECT, CONSTRUCT, COMPLETE

A fully connected, paved trail will demonstrate the Eastrail's benefits to the private sector and set the stage for engaging potential partners. This three-part strategy for completing the trail will help grow support for the Eastrail and encourage public-private partnerships and contributions:

Build a safe, soft-surface interim trail along the entire corridor and open it for use as soon as possible.

Make continuous progress towards widening and paving the entire trail so that people of all ages and abilities can use it.

Develop public gathering places, art, and amenities along the trail to enhance the trail experience and knit the Eastrail into surrounding communities.



EASTRAIL

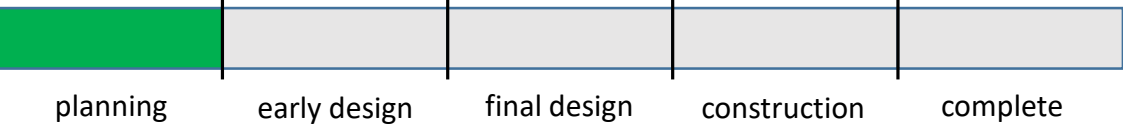
Renton Downtown Connector

RENTON/KING COUNTY

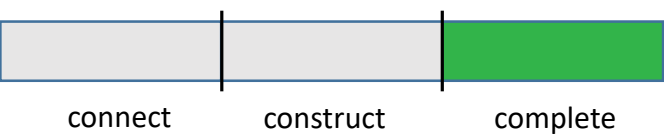
Extending the Eastrail from Renton businesses to Milepost 5 next to Gene Coulon Park will provide an alternative transportation corridor for thousands of employees and access to the Cedar River Trail and Lake to Sound Trail. Renton is a hub for dozens of trail miles!



PHASE



PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: TBD

ESTIMATED CONSTRUCTION: Not Scheduled

FUNDING SOURCES: Not funded
Eastrail RAC Materials

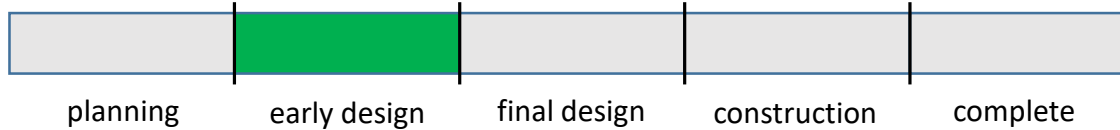


Gene Coulon Connection RENTON/KING COUNTY

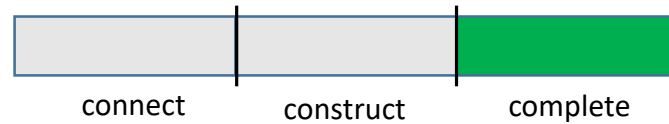
Design and construct an interim, pedestrian and ADA trail that directly connects the Eastrail near Milepost 5 and a paved pathway at Gene Coulon Park, replacing an existing link along a residential street.



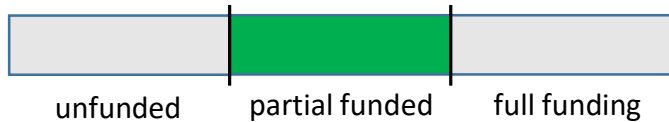
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PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: TBD

ESTIMATED CONSTRUCTION: Q3 2020

FUNDING SOURCES: City of Renton, King County Parks
Eastrail RAC Materials Levy



Gene Coulon Park (left) – Eastrail (right)

Lake Lanes I-405 Expansion

WSDOT/KING COUNTY

During the upcoming Renton to Bellevue Express Toll Lanes (R2B) project, WSDOT will construct a bicycle and pedestrian bridge over I-405. Also as part of the R2B project, WSDOT will construct 2.5 miles of paved trail in the Eastrail south of I-90 between Coal Creek Parkway and Ripley Lane.



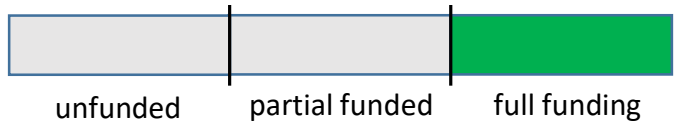
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PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$26,500,000

ESTIMATED CONSTRUCTION: Q1 2020

FUNDING SOURCES: King County Parks Levy, WSDOT
Eastrail RAC Materials



I-405 crossing visualization



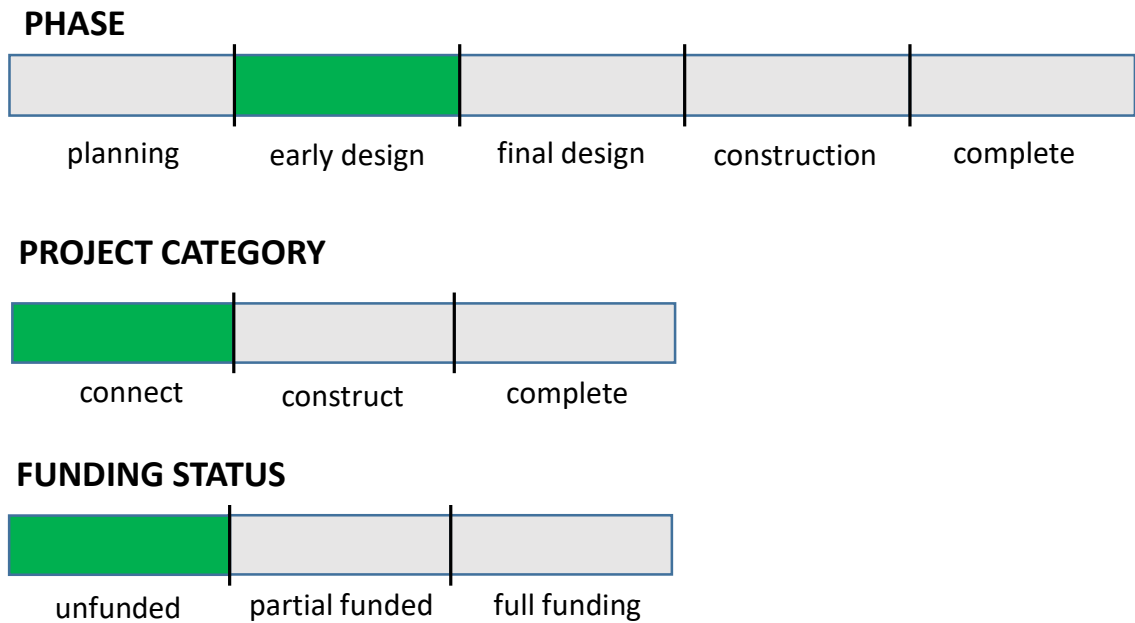
Trail cross section visualization



I-90 Steel Bridge

KING COUNTY

Renovation of an existing steel railroad bridge and gravel trail construction to close the gap over I-90 between Coal Creek Parkway and SE 32nd.



ESTIMATED COST: \$10,000,000

ESTIMATED CONSTRUCTION: Not Scheduled

FUNDING SOURCES: Unfunded

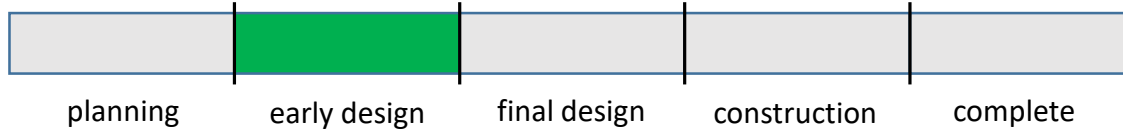


I-90 Bridge – looking east

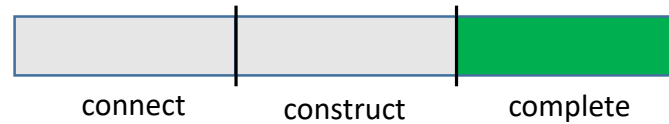
Connection to I-90 Trail/Mountains to Sound Greenway BELLEVUE

A raised multi-use path with planted buffer on the west side of 118th Ave. SE will connect the Mountains to Sound Greenway with the Eastrail via SE 32nd St. Includes ADA walkway along south shoulder of SE 32nd St.

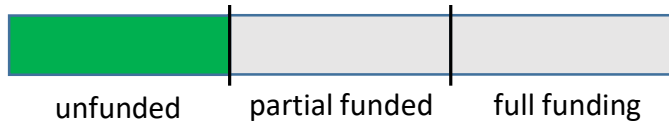
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PROJECT CATEGORY



FUNDING STATUS

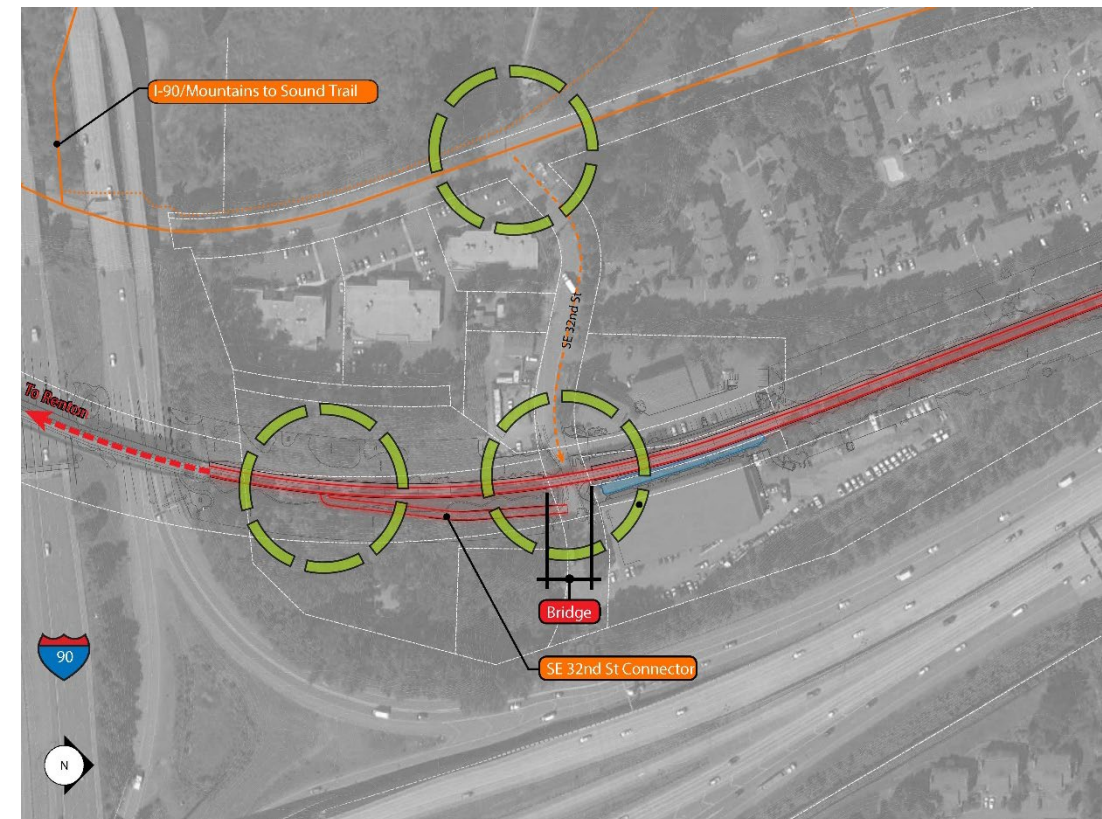


ESTIMATED COST: \$1,000,000

ESTIMATED CONSTRUCTION: 2021

FUNDING SOURCES: TBD

Eastrail RAC Materials



Wilburton Trestle

KING COUNTY PARKS

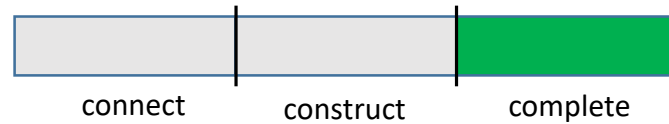
The Wilburton Trestle will be a defining landmark for the Eastrail, offering a signature experience for trail users. The full project includes a trailhead and entry space at the north end of the trestle, renovation of the trestle for trail use, and a trail segment west of I-405 to create a continuous route from 118th St. to SE 5th St.



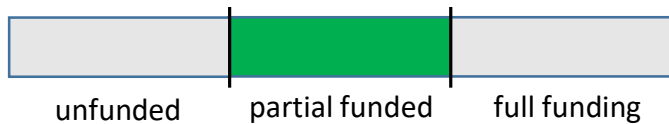
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PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$29,500,000

ESTIMATED CONSTRUCTION: Q3 2021- Q1 2023

FUNDING SOURCES: King County Parks Levy, Kaiser Permanente, City of Bellevue, FHWA Non-Motorized grant



Eastrail—Main Street Greenway Connection

BELLEVUE

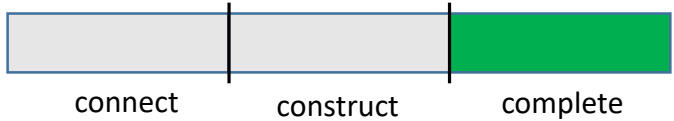
The Eastrail—Main Street Greenway nonmotorized connection will link the future East Main light rail station with the Eastrail and the Main Street Greenway/Bellevue Botanical Garden.



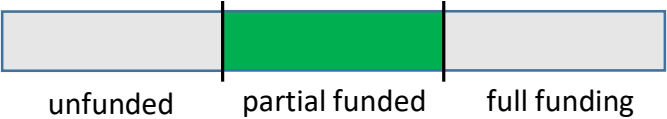
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PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: TBD

ESTIMATED CONSTRUCTION: Not Scheduled

FUNDING SOURCES: TBD

Eastrail RAC Materials



Grand Connection BELLEVUE

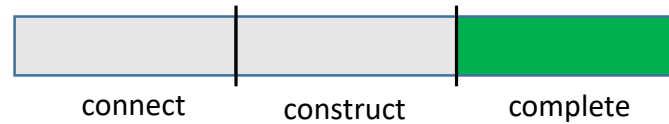
The Grand Connection begins at Meydenbauer Bay Park on Lake Washington, skirts Bellevue's signature Downtown Park, spans the bustling central business district, crosses I-405 with a lid park, and ultimately connects to the Eastrail in Wilburton.



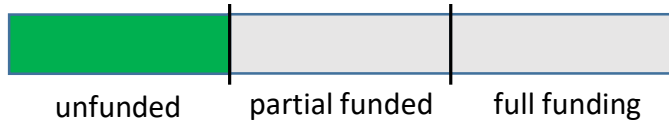
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PROJECT CATEGORY



FUNDING STATUS

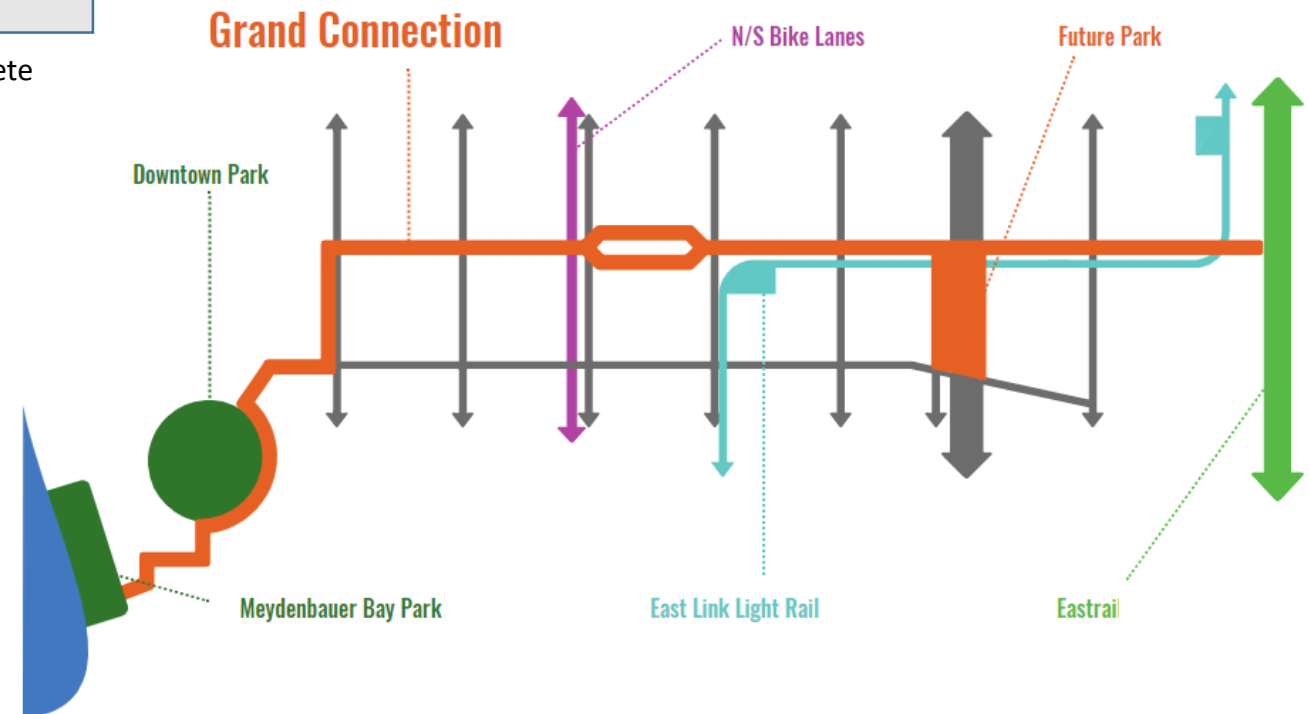


ESTIMATED COST: TBD

ESTIMATED CONSTRUCTION: Not Scheduled

FUNDING SOURCES: TBD

Eastrail RAC Materials



Eastrail NE 8th St. Bridge

KING COUNTY

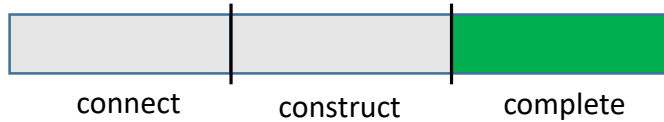
The NE 8th St. Bridge in Bellevue is a proposed trail bridge crossing one of the busiest roadways along the Eastrail. Along with providing a safe crossing of the road, the bridge connects to the Wilburton Sound Transit Station, providing seamless connection between pedestrians and cyclists and high capacity light rail.



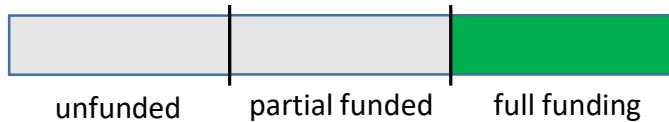
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PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$27,000,000

ESTIMATED CONSTRUCTION: Q3 2021- Q1 2022

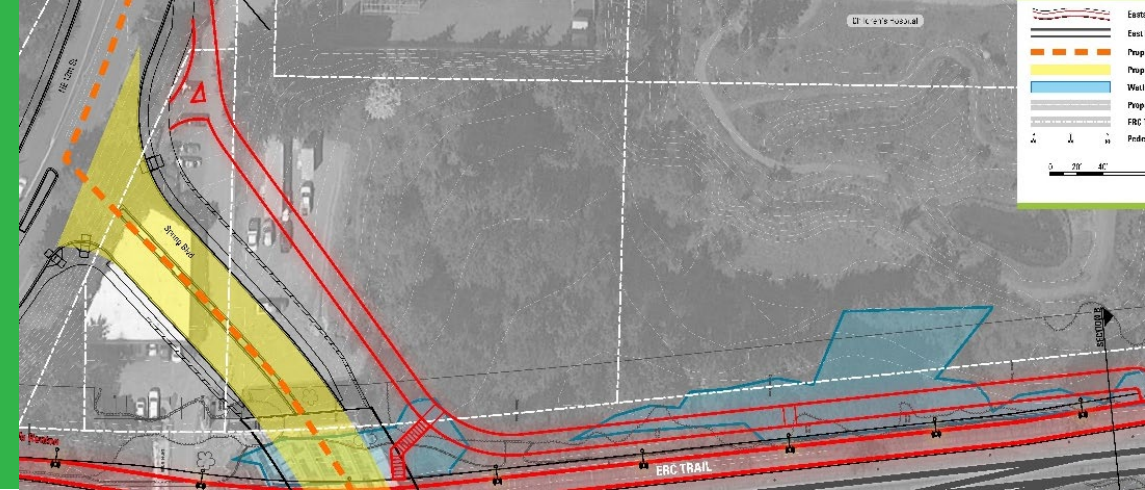
FUNDING SOURCES: King County Parks Levy, Sound Transit System Access Fund, FHWA Non-Motorized grant



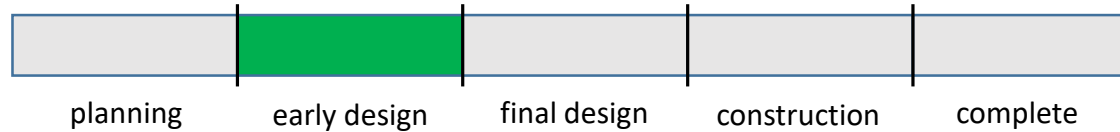
NE 8th St. Bridge concept

Spring Blvd. Connector BELLEVUE

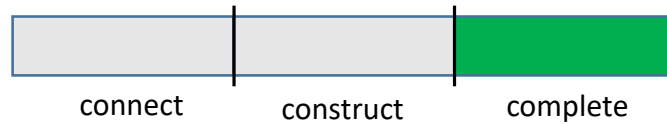
NE Spring Boulevard is a multi-modal road and ped-bike facility running east-west through the BelRed area. A connector trail will be located on the west side of the Eastrail allowing for a key connection to Downtown and the Spring District.



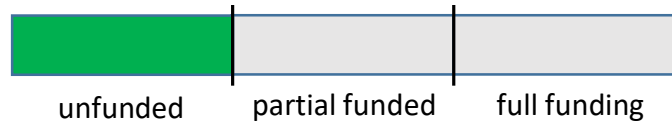
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PROJECT CATEGORY



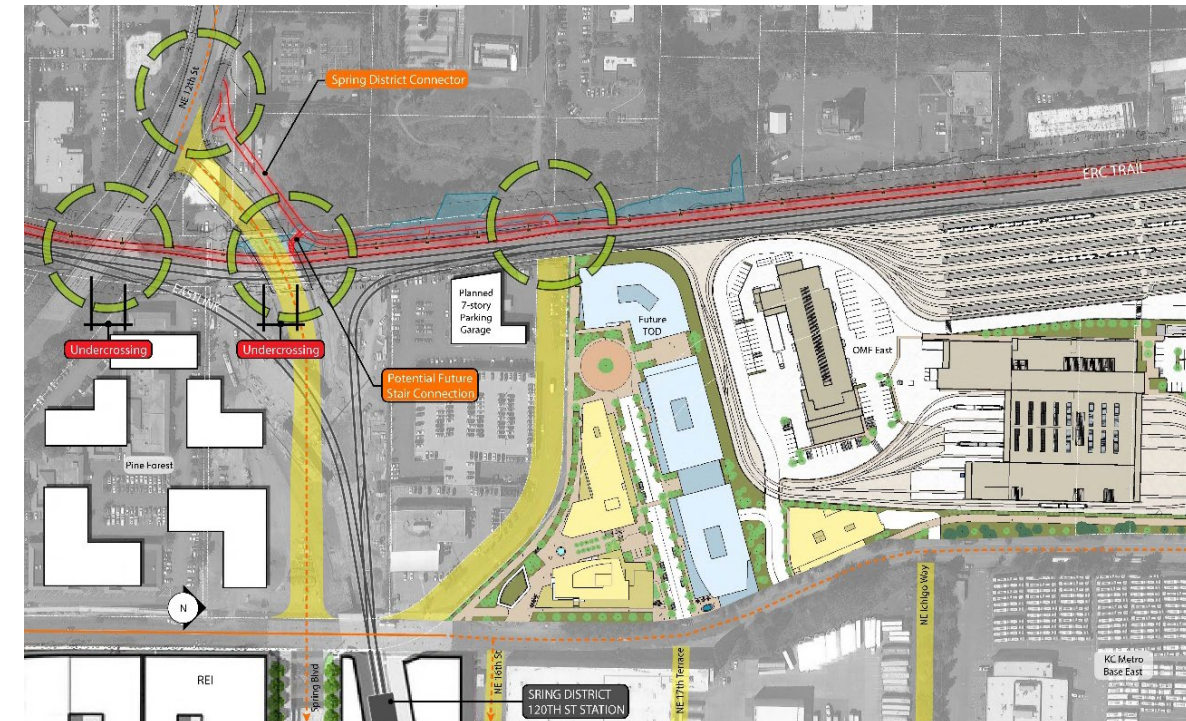
FUNDING STATUS



ESTIMATED COST: \$7,000,000

ESTIMATED CONSTRUCTION: TBD

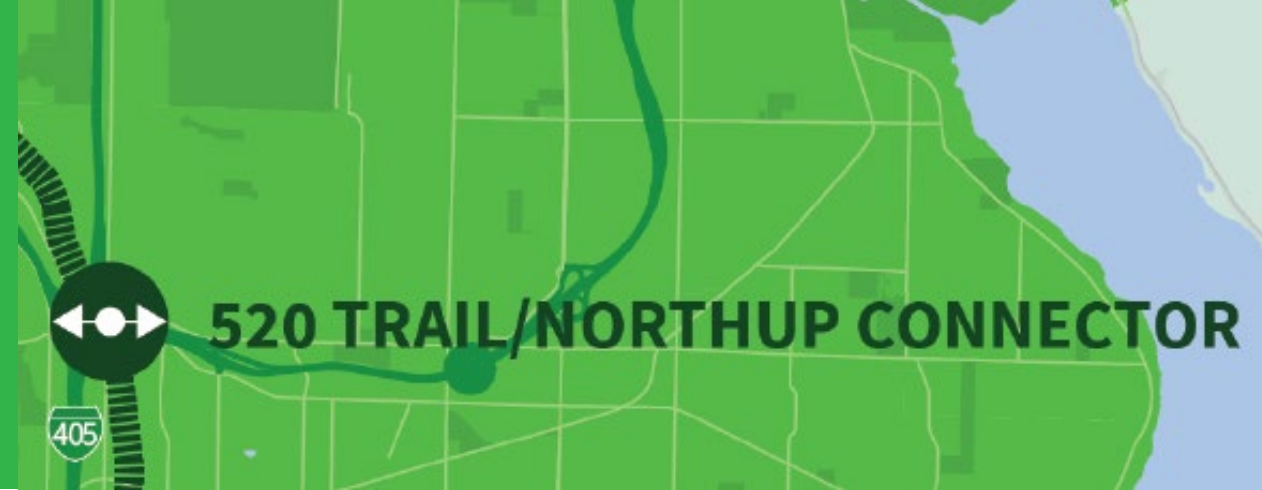
FUNDING SOURCES: TBD
Eastrail RAC Materials



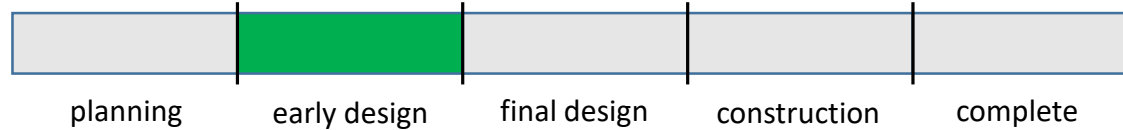
520 trail/Northup Way Connector

KING COUNTY PARKS

Construction of a trail ramp to connect the Eastrail to the SR 520 Trail at Northup Way.



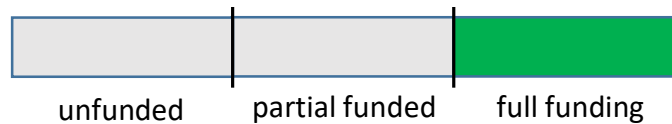
PHASE



PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$2,250,000

ESTIMATED CONSTRUCTION: Not Scheduled

FUNDING SOURCES: King County Parks Levy
Eastrail RAC Materials



Totem Lake Connector KIRKLAND

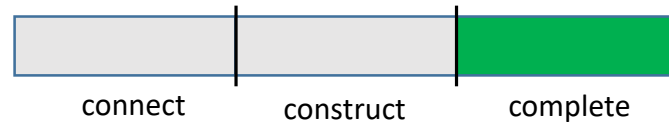
The Totem Lake Connector will be a bicycle and pedestrian bridge, that will connect the two ends of the 5.75-mile Cross Kirkland Corridor currently severed by one of Kirkland’s most complicated intersections: Totem Lake Boulevard and Northeast 124th Street.



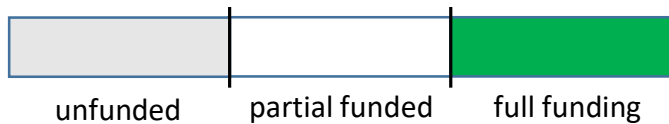
PHASE



PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$18,400,000

ESTIMATED CONSTRUCTION: 2020

FUNDING SOURCES: City of Kirkland
Eastrail RAC Materials



Willows/124th Connector KIRKLAND

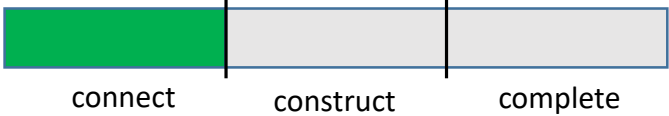
This connection will follow the east side of Willows Road between Northeast 124th Street and the Eastrail (at 139th). This will allow for increased connections to the future RCC (phase III) and the Sammamish River Trail.



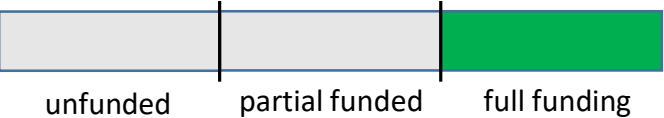
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PROJECT CATEGORY



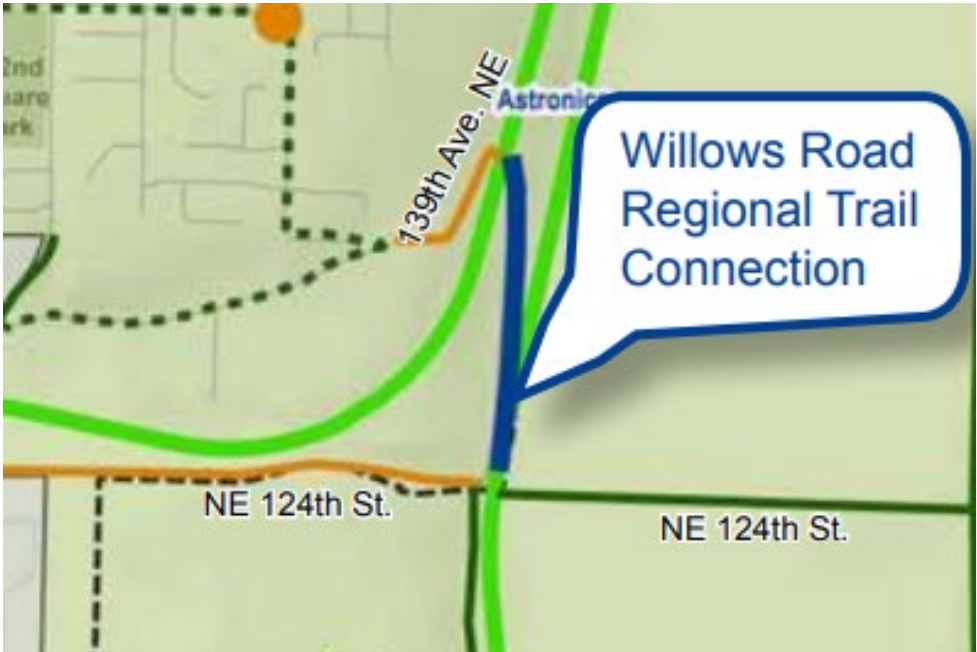
FUNDING STATUS



ESTIMATED COST: \$2,800,000

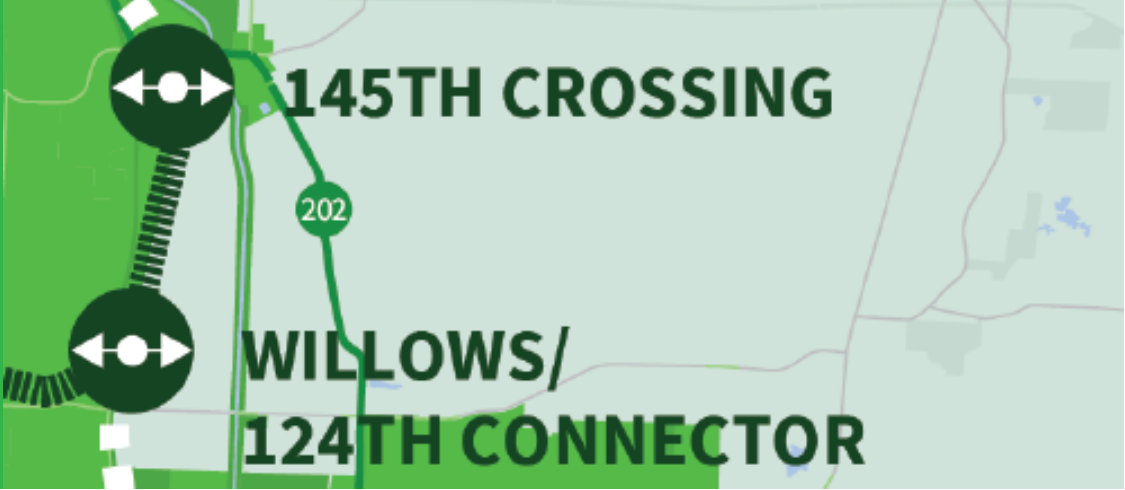
ESTIMATED CONSTRUCTION: 2020

FUNDING SOURCES: City of Kirkland, State of WA
Eastrail RAC Materials

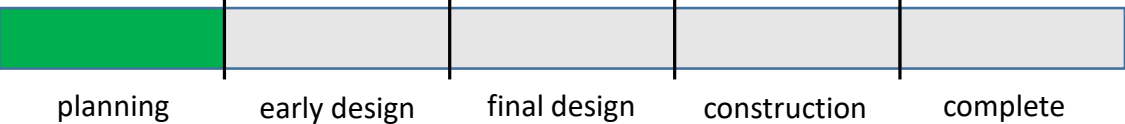


Kirkland to Woodinville Interim Trail
KING COUNTY

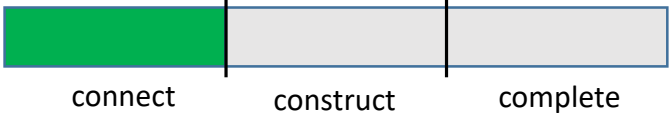
Construction of an interim (gravel) trail from the north end of the Cross Kirkland Corridor to NE 145th in Woodinville



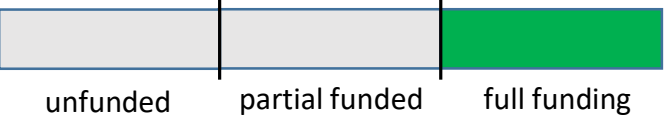
PHASE



PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$2,900,000

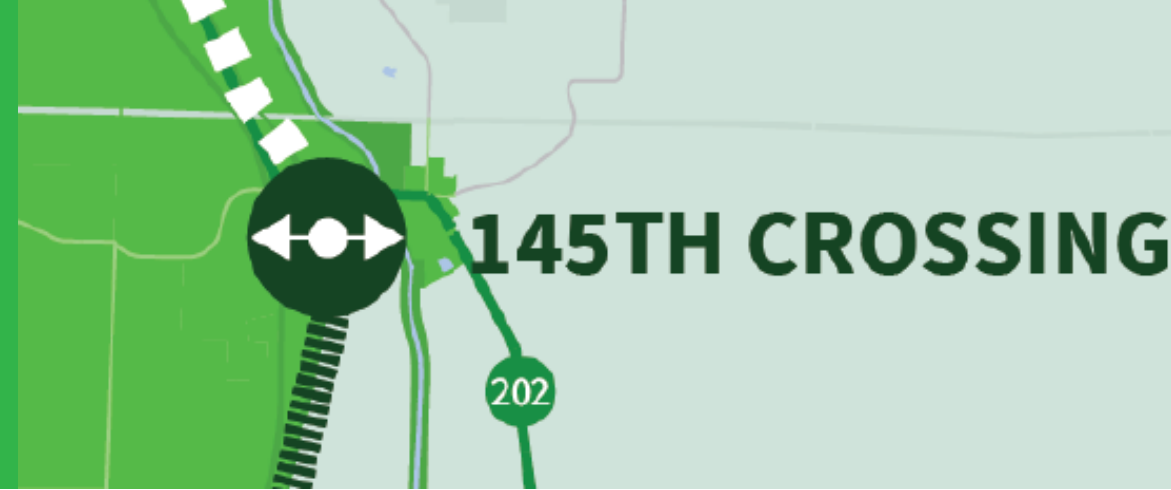
ESTIMATED CONSTRUCTION: Not Scheduled

FUNDING SOURCES: King County Parks Levy
Eastrail RAC Materials

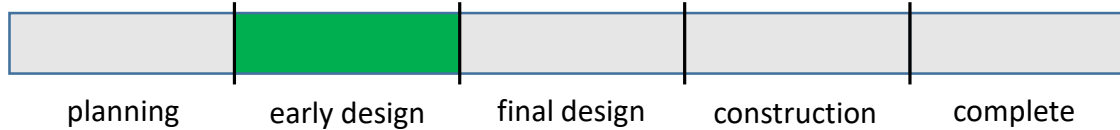


145th Crossing WOODINVILLE/KING COUNTY

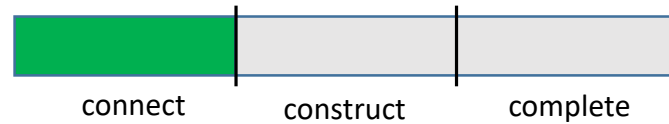
A signalized pedestrian crossing and improvements to non-motorized facilities along NE 145th (Eastrail Spur) will improve safety for pedestrians in Woodinville's tourism district and connect from the Eastrail to the Sammamish River Trail.



PHASE



PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: \$3,000,000

ESTIMATED CONSTRUCTION: Q2 2020 (may be phased)

FUNDING SOURCES: City of Woodinville, King County Parks Levy
Eastrail RAC Materials

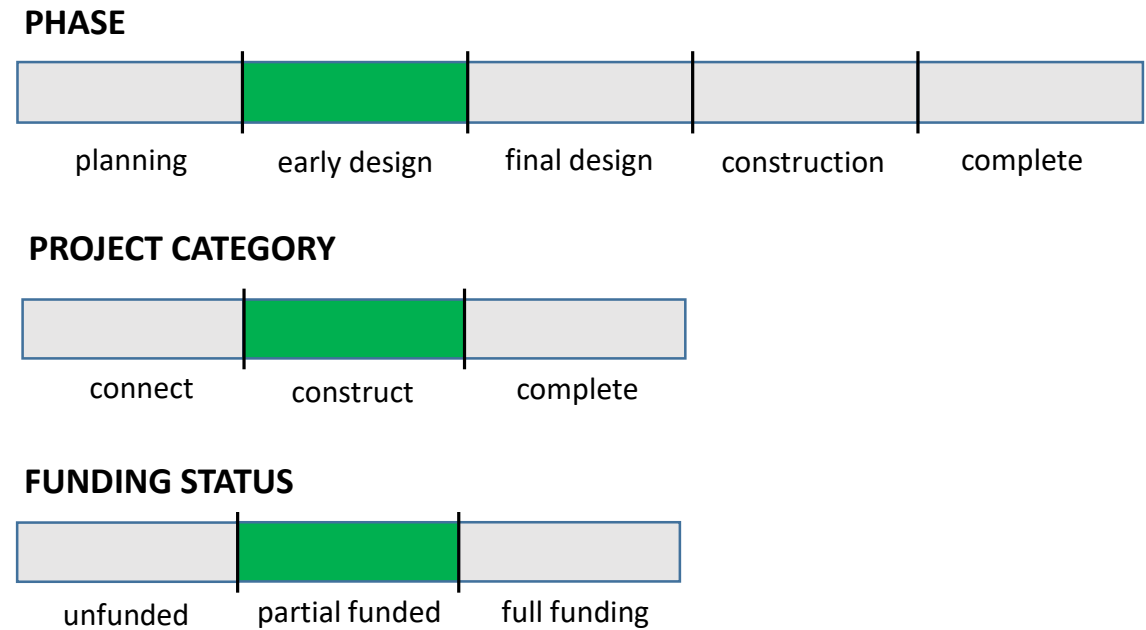


145th crossing – looking north

Redmond Central Connector – Phase III

REDMOND

This 1.6 mile segment will extend the RCC north to NE 124th street at the Kirkland border.



ESTIMATED COST: \$9,100,000

ESTIMATED CONSTRUCTION: 2022

FUNDING SOURCES: City of Redmond, State of WA
Eastrail RAC Materials

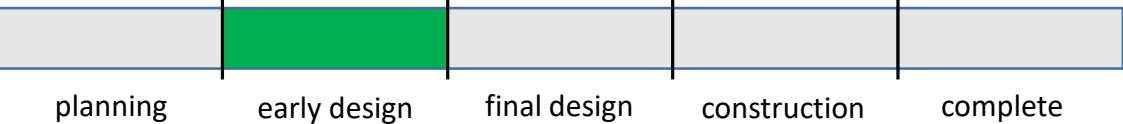


Centennial Trail South SNOHOMISH COUNTY

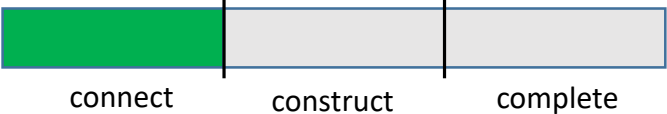
This 12 mile rail-with-trail corridor will complete the regional trail through Snohomish County, from the Skagit County line to the King County line. The trail construction is anticipated to take place in phases.

NORTH TO SNOHOMISH

PHASE



PROJECT CATEGORY



FUNDING STATUS



ESTIMATED COST: TBD

ESTIMATED CONSTRUCTION: 2024



EASTRAIL



2020-2025 Estimated Eastrail Construction

NOT FUNDED



COMPLETE OR FUNDED
GRAVEL TRAIL



PARTIALLY FUNDED



COMPLETE OR FUNDED
PAVED TRAIL



Eastrail Regional Advisory Council: Proposed 2020 – 2022 Workplan

The following topics are provided by the Eastrail Principals Staff Team to the Eastrail Regional Advisory Council (RAC) for its consideration in developing the RAC's calendar year 2020 work plan and development of respective RAC members' biennium budgets covering the 2021 and 2022 calendar years. This document is considered a planning tool and is not an indication of commitments. Implementing these items may require cost sharing among RAC members, securing external funding, and/or dedication of staffing resources by RAC member entities.

Items to consider when reviewing –

- Are the general work items correct? Any missing? Suggestions for more detail?
- Should the work item/task be supported by cost sharing among all RAC entities, a cost share between certain RAC members (and if so, who), or implemented using resources within one RAC entity on behalf of the RAC?
- For items that require PST support, does your organization have existing capacity to support or will you have to request additional staff support?
- The role of Eastrail Partners board members and staff in any of this work needs timely discussion between and within the RAC and Eastrail Partners

RAC Work Item	2020	2021	2022	Task	Preliminary Resource Estimates	Deliverables (Illustrative examples)	Likely Interaction with the Eastrail Partners
Grant Coordination	x	x	x	Develop ongoing plan to coordinate key funding issues such as grant requests (e.g., BUILD, PSRC, etc.). Work will improve awareness of funding status and priorities among each RAC member.	PST staff support	<ul style="list-style-type: none"> Matrix of all RAC member state and federal grant requests, including listing of grant opportunities. 	x
User Data Collection	x	x	x	User Counters/data gathering coordination, encompassing collection of quantitative and qualitative information. Information will be used to communicate the use of segments as the number of connections increase, etc.	PST staff support	<ul style="list-style-type: none"> Determine what statistics would align best for reports and grant opportunities. Task 1- Gather existing user data from various existing trail counters into one database to generate a summary of segment user rates 	x

						<ul style="list-style-type: none"> Task 2 – develop protocol and implement trail user intercepts to learn about user origin points and collection of selective qualitative data. 	
Coordinated outreach and communications	x	x	x	Develop strategic communications plan to achieve increased Eastrail brand awareness. This includes coordinated communication/web/social media programming. Plan will result in more consistent Eastrail public participation at existing community events.	PST staff support	<ul style="list-style-type: none"> Strategic communication plan with brand activation/capital project engagement opportunities and priorities. Plan will also include priorities for: <ul style="list-style-type: none"> Websites Social media Development of key messaging 	
Congressional and Governor/State Legislature Engagement	x	x	x	Create opportunities to engage with the federal delegation and Washington state elected leadership	PST staff support	<ul style="list-style-type: none"> Identification of 1-3 RAC priorities Conduct several field trips with congressional/governor/legislators and/or their staff, especially to show the effective use of federal/state funding and where it could be especially helpful Development of engagement materials 	x
Wayfinding Plan		x		Fund consultant services to develop coordinated wayfinding signage plan across all Eastrail segments (note: just the plan – not physical implementation) <ul style="list-style-type: none"> Note this plan is multi-jurisdictional and different from existing 	Estimation: \$100k-150k (total)	<ul style="list-style-type: none"> Directly implementable multi jurisdiction wayfinding plan (including possible digital wayfinding). Goals of this plan would be to improve the public's experiences and increase their awareness through distinct designs. 	x

				wayfinding plans – different audience and goals – but it would build on that work as much as possible		<ul style="list-style-type: none"> ○ Does not include physical development of the signage. • Would require upfront commitment of trail owners to implement the plan, which they would help develop 	
Corridor programming		x	x	Coordinate and implement corridor programming – events, conferences, workshops, etc. This programming can be responsive to a variety of topics from private-public funding, to emerging corridor use or policy topics. The Eastrail Partners may be a key partner for implementation.	<p>All RAC members cost share to fund:</p> <p>Estimation: \$30,000 (annual)</p>	<ul style="list-style-type: none"> • Create a calendar of events and locations • Series of large events which result in engagement with traditional and non-traditional Eastrail user community • Events could vary from private sector stakeholder summit, to outdoor arts/music festivals. 	x
Underrepresented communities engagement		x	x	Coordinated outreach to diverse and underrepresented communities. Recommended to be implemented in partnerships with contractual support (with such groups as the Eastside Refugee and Immigrant Coalition)	<p>All RAC member cost share to fund:</p> <p>Estimation: \$15,000 (annual)</p>	<ul style="list-style-type: none"> • Eastrail attendance at community events and other venues with the goal to expand Eastrail awareness (and solicit feedback) to diverse communities. • Create and use mobile booth/table displays, 	
General outreach support		x	x	General outreach support resources – to purchase materials from swag to additional bothing materials	<p>Individual/Group of RAC members to fund:</p> <p>Estimation: \$7,000 (annual)</p>		

Arts Plan	x	TBD	TBD		PST staff support	<ul style="list-style-type: none"> Hold an arts plan workshop to identify how a new Eastrail wide arts plan can build off existing arts plans and other existing/developing land use guidance. 	x
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Overview on Railbanking and STB Matters for the Eastrail Regional Advisory Council October 15, 2019

At its July 12, 2019 meeting, the RAC received public comment regarding a federal Surface Transportation Board (STB) matter related to the Eastrail freight area. At that meeting, several RAC members expressed an interest in getting background information about the status and function of railbanking on the Eastrail corridor as context for the STB matter. This STB matter involves an active dispute to which certain RAC members are parties. Given the active STB matter, this document is being provided to the RAC in lieu of a briefing within a RAC meeting. While this document is intended to provide the requested background information, it is not a full or complete summary of railbanking, or the history or disposition of the real-property interests that make up the Eastrail. It is not a substitute for legal advice from an attorney with expertise in this area of the law and/or a RAC member's own counsel.

1. Railbanking, the Rails-to-Trails Act, and the Surface Transportation Board

The National Trails System Act, sometimes called the Rails-to-Trails Act (the "Act"), 16 U.S.C. §1247(d), was enacted in 1983 to allow disused portions of interstate rail lines to be used for trails for an indefinite but interim period. The Act is important because it allows rail lines to be preserved from abandonment. The Act is implemented by the Surface Transportation Board ("STB"), which is the federal agency charged with regulating interstate freight rail service. "Railbanking" is a term used to describe the STB's procedure for implementing the Act. The STB's railbanking regulations are codified at 49 CFR Part 1152.29.

The Act and the STB's regulations provide that a railroad wishing to cease operations along a particular line may negotiate with a State, municipality, or private group to assume financial and managerial responsibility for the right-of-way. If the parties reach agreement on business terms, the land may be transferred to the trail operator for interim trail use, subject to STB-imposed terms and conditions, and the line is said to be "railbanked." The STB cannot force a railroad to railbank a corridor or line, although a railroad may contractually bind itself to do so.

All trail and other uses of a railbanked corridor are interim in nature and remain subject to possible reactivation of interstate freight rail service upon a bona fide request to the STB. While reactivation has proven to be rare nationwide, the interim trail user must ensure that (1) sufficient real property interests remain in a railbanked corridor to allow the future restoration of freight rail service, and (2) the corridor is not severed from—or can be reconnected to—the interstate freight rail system.

2. The Eastrail Is Partly Railbanked and Partly in Active Freight Rail Use

The Eastrail consists of two lines of railroad, here called the "Main Line" and the "Redmond Spur." The Main Line runs from Milepost 5.0 in Renton to Milepost 38.25 in Snohomish. The Redmond Spur runs from Milepost 0.0 in Woodinville to Milepost 7.3 in Redmond.

The Eastrail is partly railbanked and partly in active freight service. The Redmond Spur is entirely railbanked. The Main Line is railbanked from Milepost 5.0 in Renton to Milepost 23.8 in Woodinville.¹ The Main Line remains in active freight service south of Milepost 5.0, and from Milepost 23.8 in Woodinville to Milepost 38.25 in Snohomish.

There are two STB-approved interim trail users for the railbanked segment of the Eastrail: The City of Redmond, for the portion of the Spur within the City's limits; and King County for the rest of the Spur and the entire railbanked segment of the Main Line, including the portions owned by the City of Kirkland and Sound Transit. The STB railbanking proceedings were AB-6 Sub-Nos 463X, 464X, and 465X.

3. Overview of Current Eastrail Matter At the STB

Under the Act and other statutes, the STB retains regulatory jurisdiction over the entire Eastrail, including the railbanked and active freight segments. One matter currently before the STB involves the Freight Segment between Woodinville and Snohomish.

In July 2018, Snohomish County petitioned the STB to revoke permission for Eastside Community Rail (ECR) and Ballard Terminal Railway (BTR) to operate on the Freight Segment. In its petition, Snohomish County argued that when ECR and BTR initially applied to the STB for permission to operate, their applications allegedly included material factual misrepresentations that invalidated their applications from the start (wherein ECR falsely asserted that it was acquiring or held title to a freight rail easement in the Freight Segment). The STB matter is cross-listed as F.D. 35730 and F.D. 35692. The City of Woodinville intervened to support Snohomish County's petition, and King County intervened based on its interest in the railbanked areas of the Eastrail contiguous to the Freight Segment. Snohomish County believes King County's interests will not be adversely impacted by the relief Snohomish County seeks

In December 2018, the STB denied Snohomish County's petition. The STB indicated that Snohomish County could re-file its petition at the STB after the factual allegations are resolved in state court or another forum. In February 2019, Snohomish County appealed the STB's decision to the D.C. Circuit of the Federal Appeals Court. In its appeal, the County argued that the STB did not follow its own rules when it denied the County's petition. A hearing date for the appeal argument has not been set. The D.C. Circuit appeal is captioned as *Snohomish County, WA, v. STB et al*, Docket No. 19-1030.

¹ The Wilburton segment from Milepost 10.6 to 11.25 is technically "abandoned" and not formally subject to railbanking. However, when the Port of Seattle and King County acquired it from BNSF in 2009 they contractually obligated themselves to treat the Wilburton segment as if it were formally railbanked, and so it is included as part of the railbanked Eastrail for purposes of this discussion. In any event, BNSF owned (and now King County owns) the Wilburton segment in fee, so it may be made available for freight service in the event of reactivation.