

## **FACTS ABOUT THE PROPOSED EAST LAKE SAMMAMISH TRAIL**

Prepared by the Trails Committee of the Bicycle Alliance of Washington  
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In August 1998 King County purchased a twelve mile railroad corridor that hugs the east shore of Lake Sammamish, from Gilman Boulevard in downtown Issaquah to Marymoor Park in Redmond. Between 1889 and 1996 the Burlington Northern Santa Fe Railroad and its predecessors ran freight trains on the corridor. In 1971, as the demand for rail freight service declined, and population growth increased the need for open space recreation opportunities, King County first identified the East Lake Sammamish rail corridor as a potential addition to the County's fledgling trail system. Today it represents the final link in a continuous off-road trail running from the shores of Puget Sound to the Idaho border.

When the East Lake Sammamish Trail (ELST) is completed a bicyclist starting in Ballard will follow the Burke Gilman Trail past the University of Washington to the north end of Lake Washington. From there the Sammamish River Trail runs east and south to Marymoor Park. The ELST will run from Marymoor to Issaquah, where the bicyclist will have a choice -- return to Seattle on the Interstate 90 trail, or turn east and head up Snoqualmie Pass on the Iron Horse Trail, part of the Mountains-To-Sound Greenway.

The biggest flaw in the regional trail system today is that user pressure overwhelms the resource. The people of King County love their trails, and use them heavily. And no wonder -- rail trails appeal to so many elements of the community. Families with small children flock to local trails, because they offer a safe and scenic way to get the kids onto wheels, free of hills and motor vehicles whizzing past. Hikers, roller bladers and people walking their dogs are all common sights on the regional trail system.

When the ELST is completed the central Puget Sound region will boast the finest metropolitan trail system in the United States, a system so good that it will serve not only as a way to exercise on the weekends, but as a link in the regional transportation grid. In the words of Seattle Times editorial columnist James Vesely, "On East Lake Sammamish, where the curves of the lake form a shoreline as nice as any in the state of Washington, where streams splash across sand and rock past modest cottages and princely mansions, the county is building a trail for hikers, bicyclists and casual walkers--perhaps even a trail for the ages."

The County Parks Department recently began work on a master plan for the development of the ELST. Building a trail in an urbanized area is harder than it may appear. Parks must worry about protecting the privacy of neighbors, engineering road crossings and stream crossings, ensuring that the project does not interfere with efforts to save endangered salmon runs. There must be ample opportunity for the public to participate in the planning process.

It will be several years before a paved trail is built on the east side of Lake Sammamish. As early as this summer, however, the public can get a preview of what the ELST will offer. This spring a contractor will complete removal of the track and ties from the corridor, leaving a graded gravel path. In June the Parks Department will present to the County Council a proposal to open the corridor to the public on an “interim use” basis. For now the trail will be limited to walkers and possibly mountain bikes. But the views of the lake, the trees and the mountains will be ready for people to enjoy -- unless a small group of waterfront property owners persuades the King County Council to bar the public from using the trail until the master planning process is complete.

Opponents of the trail have done their best to sow controversy and confusion over several aspects of the ELST. This fact sheet responds to the primary issues from the perspective of trail supporters.

## **1. THE TRAIL SHOULD BE LOCATED ON THE RIGHT-OF-WAY**

Trail opponents have urged King County to locate the trail along East Lake Sammamish Parkway rather than on the railroad right-of-way. In their view, King County should abandon the right-of-way that the taxpayers purchased to the exclusive use and enjoyment of the waterfront property owners. Let the public stay on the road, they say, where bicyclists and hikers will not block their view of the lake or intrude upon their privacy.

Trail proponents hope that the public will not be fooled by this “compromise.” A trail along a highway is simply not a trail.

The railroad right-of-way offers a continuous, scenic, quiet, and safe multi-use trail separated from traffic, with flat to gentle grades from Redmond to Issaquah. East Lake Sammamish Parkway is a regional arterial, along which thousands of truck and cars each day speed at 40 to 50 miles an hour. Anyone who has ridden with a child on a bike knows that a bike “trail” along a busy highway, even if separated from the main road by a concrete barrier, is a noisy and scary experience for children. It is also extremely dangerous.

The 1998 East Lake Sammamish Parkway Study states that the road handles over 12,000 vehicle trips daily and that usage will increase. This fact alone makes it an unsuitable location for a trail. Currently, the Parkway has a paved shoulder on much -- but not all -- of it, which is used by experienced bicyclists and for parking. The 1998 Parkway Study found that a walkway, separate from the shoulder, was feasible only along 20 percent of the east side and 12 percent of the west side. Such a segmented walkway would be of little benefit to either pedestrians or bicyclists.

## 2. THE TRAIL WAS A BARGAIN TO THE PUBLIC

King County purchased the East Lake Sammamish rail corridor from the Land Conservancy of Seattle and King County (TLC), a not-for-profit conservation organization that purchases endangered open space parcels for preservation, usually through acquisition by a local government agency. When BNSF announced plans to abandon rail service in 1996, TLC stepped in to acquire the corridor. Had TLC not done so the right of way would have evaporated into a patchwork of legal and illegal waterfront homes, driveways and boat storage areas.

When TLC acquired the right of way it was appraised by both King County and the BNSF at a value exceeding \$20 million. BNSF sold the right of way to TLC in April 1997 for \$1.5 million, and made a huge charitable donation to the people of King County. TLC held the corridor for sixteen months, while successfully applying to the federal Surface Transportation Board (STB) for permission to discontinue rail service and to “railbank” the corridor.

In August 1998 TLC sold the right of way to King County for \$2.9 million. Trail opponents have attempted to make an ethics issue out of the alleged “profit” earned by TLC on the deal. The reality is that TLC earned no such windfall. During the time that TLC owned the corridor TLC bore numerous expenses, including:

- interest on the money TLC borrowed to purchase the right of way;
- legal and appraisal fees incurred in requesting permission from the STB to discontinue rail service and railbank the corridor;
- the cost of defeating an attempt by some adjacent property owners to force the sale of the corridor to a phony “railroad” they organized in an attempt to preempt a trail;
- the cost of negotiating permits and easements with adjacent property owners and developers seeking to own or lease parts of the corridor for their private use;
- the cost of defending numerous lawsuits filed by trail opponents in attempts to seize parts of the corridor, or to delay or scuttle trail plans;
- the cost of liability insurance for the corridor.

The unfortunate reality is that the actions of a few adjacent property owners drove up the cost of the transaction to the point where TLC barely covered its costs. In the end, TLC still managed to sell the right-of-way to the County for a small fraction of its fair market value.

### **3. RAILBANKING IS NOT A “TAKING” OF PRIVATE PROPERTY**

Trail opponents assert that railbanking is a “taking” of private property. Having lost this argument in the U.S. Supreme Court, they now float it as a reason for King County not to develop the trail.

Railbanking is a procedure, authorized by the federal National Trails System Act Amendments of 1983, which allows preservation of inactive railroad corridors for future transportation use. Under railbanking, railroad easements that might have terminated upon abandonment of rail service remain in force, so that the corridor is preserved for potential future railroad use. In the interim, a local government or non-profit organization assumes ownership of the corridor and agrees to manage it for public use as a trail.

The United States Supreme Court upheld the constitutionality of railbanking in *Preseault v. ICC*, 494 U.S. 1 (1990). The Supreme Court ruled that an adjacent property owner who believes that railbanking has “taken” his or her property may seek compensation from the United States by filing a claim in the U.S. Court of Claims. Most adjacent property owners do not seek compensation, however, because most do not qualify for it. The East Lake Sammamish right-of-way is a patchwork of fee-owned land, federal land grants, and railroad easements. Land that the railroad acquired from the United States, and land that the railroad held in “fee simple,” does not pass to adjacent property owners even if the right of way is abandoned. Land that the railroad acquired through easements would, in the event of abandonment, revert to the successors of the individuals who sold the property to the railroad in 1887 -- not the adjacent property owner.

Many of the individuals who today complain loudest about King County “stealing their property” would have no claim to the right of way even if it was abandoned. But the corridor has not been abandoned. It has been railbanked, and the U.S. Supreme Court has held that the Court of Claims (not the King County Council) is the forum to decide whether anyone is entitled to compensation as a result of the railbanking program.

### **4. THE TRAIL IS NOT A THREAT TO PROPERTY VALUES**

Opponents claim that the trail will reduce their property values. The proper response to this argument is: compared to what??? The railroad track has been there since 1889. All of the homeowners who live adjacent to the corridor purchased their property knowing full well that it was encumbered by a train track. Indeed, several current trail opponents appealed their property taxes in the 1980s on the theory that railbanking would keep the right of way in public ownership! Individuals who willingly purchased land encumbered by a noisy railroad and subsequently built expensive homes

within close proximity of the rail line have little standing to complain that their expectations have been unfairly upset by a non-motorized trail.

The reality is that properties on the east side of Lake Sammamish typically sell for less than homes along the west side of the lake, because of the railroad line. Moreover, most of the current property owners purchased their homes after King County's 1971 announcement of plans to build a trail along this corridor. The County trails plan has been a matter of public record for 28 years. Given that the right of way was built into the purchase price of all the property traversed by the rail line, who would enjoy a windfall if the right of way disappeared?

As for the claim that the trail will diminish property values, Seattle and several other cities have studied the impact of trails on property values. The evidence is overwhelming that rail trails are amenities that increase the value of neighboring homes. The attached March 26, 1999 news release from the Seattle Dept. of Transportation documents the positive effect of Seattle's Burke Gilman Trail on adjacent property values. Seattle's press release includes a nice sample of real estate ads from the Seattle Times, boasting about proximity to the Burke as a marketing point for pricy residential property. Similar studies from other parts of the country are referenced on the web site of the Rails-to-Trails Conservancy, [www.railtrails.org](http://www.railtrails.org).

## **5. ADJACENT PROPERTY OWNERS WILL BE INVOLVED IN THE DESIGN OF THE TRAIL**

Adjacent property owners have every right to insist that the design of the trail must take into account their privacy, their views and their security. There have been, and will continue to be, plenty of opportunities for public involvement in the development of the ELST. King County Parks recently appointed a Citizens Advisory Committee, about half of whose members consist of adjacent property owners. The role of this group will be to help guide the master plan development process for the trail. Committee meetings will be open to the public, and additional public meetings will be held throughout the planning process to solicit citizen input. The first such meeting has been scheduled for April 19, 1999.

County Parks representatives repeatedly have told the County Council that the budget for development of the trail must include mitigation money to pay for vegetative screens, landscaping, trail crossings, erosion control and stormwater management. Trail advocates strongly support the use of public money to address these legitimate concerns.

## **6. THE TRAIL WILL BE ENVIRONMENTALLY SOUND**

Opponents, several of whom moor their powerboats on private docks at the edge of the lake, complain that the ELST will degrade the sensitive ecosystem of Lake Sammamish. King County intends to fully comply with state environmental laws governing the development of the trail. Trail proponents fully support this process and hope that all parties will work together on environmental protection.

Trail development will provide King County with control over potential sedimentation flow into Lake Sammamish. Today the track and the berm that supports it is, in some places, an impediment to stormwater drainage, and a contributor to local erosion and sedimentation problems. King County's investment in the trail will provide the vehicle to solve these drainage problems.

## **7. THE COUNTY COUNCIL SHOULD OPEN THE TRAIL FOR INTERIM USE IN THE SUMMER OF 1999**

In November 1998 the King County Council directed the County Parks Department to develop a plan for interim use of the ELST during the two to three year master planning and construction process. County Parks will present an interim use plan in June for Council approval. Trail advocates support opening the trail for interim use this summer.

The County spent almost \$3 million of taxpayer money to acquire the right-of-way, including more than \$1 million in federal money tagged for the specific purpose of developing recreational trails. County Parks will present an interim use plan that addresses safety, parking, security and other neighbor relations issues. The plan will include money for mitigation projects such as landscaping and crossing signs. Given that public money has been invested to acquire the trail, and that the Parks Department has developed plans to minimize the impact of interim use, why shouldn't the public be allowed to enjoy its resource?

Some neighbors have voiced concerns about crime and vandalism. The experience of public land managers, however, is that park land that is open to and used by the public is much less attractive to criminals than places that are closed and out of the public eye. Trail users love their trails, and can be counted on to keep an eye on the resource.

The real reason that trail opponents hope to delay public access to the right of way for as long as possible is a well-founded belief that once the public has the chance to walk the ELST, any hope of defeating the trail will be lost. Trail advocates believe this prediction is accurate. Rail trails have a long history of transforming opponents into friends. Once the ELST opens, even on an interim basis, we believe that it will attract overwhelming support from both neighbors and the region as a whole. For that reason, we urge the County Council (1) to open the trail for interim use this summer, and (2) to continue to respect the legitimate security and privacy concerns of neighboring property

owners throughout the process of designing the permanent configuration of the East Lake Sammamish Trail.