## REVISED STAFF REPORT

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| **Agenda Item:** |  | **Name:** | Jeff Muhm |
| **Proposed No**.: | 2017-0293 | **Date:** |  |

**COMMITTEE ACTION**

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| ***Proposed Substitute Motion 2017-0293, to approve a memorandum of understanding (MOU) to restructure the Eastside Rail Corridor Regional Advisory Committee, passed out of committee on June 19, 2017, with a “Do Pass” recommendation. The motion was amended in committee with Amendment 1.1 to make technical changes to the motion and the MOU.*** |

**SUBJECT**

A motion to approve a memorandum of understanding (MOU) to restructure the Eastside Rail Corridor (ERC) Regional Advisory Committee (RAC) to add representatives from Bellevue, Snohomish County, Renton, and the Eastside Greenway Alliance. The MOU also covers how the RAC will be governed and proceed in the future.

**SUMMARY**

Proposed Motion 2017-0293 would approve a memorandum of understanding to update the membership and governance structure of the Eastside Rail Corridor Regional Advisory Committee (RAC). The RAC was originally formed in 2013 by the Council by Motion 12834. In June of 2017, the RAC membership expressed unanimous support to expand its membership to include all jurisdictions through which the corridor runs and advocacy organizations that support trail development in the corridor.

**BACKGROUND**

The ERC is a 42-mile former rail line running from the City of Renton to the City of Snohomish and extending through the cities of Snohomish, Woodinville, Kirkland, Bellevue, Renton, and Redmond, and parts of unincorporated Snohomish and King Counties. In 2003, the BNSF Railway Company (BNSF) announced its intention to divest itself of this rail corridor. In response, in 2009, a group of regional partners, including King County and the Port of Seattle, signed a Memorandum of Understanding that envisioned a regional effort to preserve the corridor for multiple uses (Ordinance 16738). To begin that regional effort, the Port of Seattle acquired BNSF’s interests in the corridor between Renton and Snohomish. The southern portions of the corridor (between Woodinville and Renton, and from Woodinville to Redmond) were railbanked.[[1]](#footnote-1) King County became the Interim Trail Sponsor[[2]](#footnote-2) of the 21-mile railbanked portion and purchased a multipurpose easement from the Port in the railbanked area (Ordinance 16084). King County’s wastewater treatment system includes facilities that run within and cross the ERC.

The Port then sold its property interests in the railbanked portion of the corridor. Redmond purchased all of the Port’s interest in the 3.9 miles of the corridor within the city boundaries and subsequently became the trail sponsor for this segment. Puget Sound Energy purchased a utility easement along the entire corridor except within the Redmond-owned portion. Sound Transit purchased all of the Port’s remaining interest in roughly 1.1 miles of the corridor in Bellevue (called the “Sound Transit Mile,” the planned location of its East Link Wilburton Station), as well as high capacity transit easements on the remainder of the railbanked area. The City of Kirkland purchased the Port’s remaining interest in a 5.75 mile segment located largely within its boundaries.

On February 8, 2013, King County and the Port executed a purchase and sale agreement for King County to acquire all of the Port’s remaining interest in the remaining 15.6 miles of the railbanked area, as well as a 3.6-mile trail easement north of the railbanked area, between Woodinville and Brightwater (Ordinance 17503). In addition, the County continues to own its multipurpose easement in the areas of the ERC acquired by Kirkland and Sound Transit, comprising approximately 6.6 miles. In total King County owns property interests in approximately 25.8 miles of the ERC.

In 2015, the City of Woodinville purchased ownership of 2.6 miles of corridor within the active freight area between the northern terminus of King County’s ownership and the city limits. In 2016, Snohomish County purchased the remaining portion of active rail corridor between the Snohomish County line and the City of Snohomish.

The five entities that acquired the Port’s interests in the railbanked portion of the ERC (King County, Sound Transit, the City of Redmond, the City of Kirkland, and Puget Sound Energy) began planning collaboratively around a shared, multi-use vision for the corridor through the RAC (Motion 13801). In 2013, the RAC produced “Creating Connections,” a report containing the RAC recommendations on the ERC. The Council approved a new work plan for the RAC in 2016 which called for the RAC to reorganize itself in a way consistent with the “Creating Connections” report (Motion 14654).

The RAC members unanimously agreed to expand its membership on June 7th, 2017. If the MOU is approved, the original RAC members (King County, the City of Kirkland, the City of Redmond, Sound Transit and Puget Sound Energy) will be joined by Snohomish County, the City of Bellevue, the City of Renton the City or Woodinville and the Eastside Greenway Alliance. The RAC membership also agreed to change its governance structure and purpose.

**ANALYSIS**

**RAC Purpose.** The RAC was originally convened by the Council in 2012 (Motion 13801) to coordinate planning and development activities in the corridor and to make recommendations on necessary changes to countywide planning policies. The RAC delivered the “Creating Connections Report” in 2013 which recommended a variety of strategies to coordinate plan efforts, develop regional policy frameworks and to advocate for state and federal funds for corridor development. Specifically the report called on jurisdictions stakeholders along the corridor to:

* develop a shared regional policy framework;
* develop a federal agenda;
* develop a state agenda;
* develop a long-term regional approach for planning together;
* develop the corridors regional legacy;
* begin identification of share corridor guidelines;
* provide initial guidance on constraints and opportunities; and
* enlist community support.

The “Creating Connections” also recognized the need to expand the RAC’s membership to meet the above objections.

The RAC continued to meet to coordinate regional planning efforts, and in 2016 the Council approved a new work plan for the RAC which included a plan to reorganize the RAC to include more jurisdictions and stakeholders (Motion 2016) consistent with the recommendations in the “Creating Connections” report.

The proposed MOU is consistent with the 2016 work plan and incorporates all of the recommendations presented by the RAC in in 2013 in the “Creating Connections” report. Under the proposed MOU, The RAC will serve as a venue to jointly:

* coordinate the planning, development, public engagement, and communications and marketing activities to the extent possible to ensure effective use of the railbanked portion of the corridor;
* coordinate the partner planning process for the trail, high-capacity transit, and utility uses in the ERC;
* coordinate with affected cities around local planning and development.
* address both near-term and long-term recommendations;
* recommend any needed changes to the county’s countywide planning policies relative to the corridor;
* coordinate on funding capital projects and potentially operations;
* develop legislative agendas and lobbying as it pertains to ERC projects and issues; and
* weigh in on Sound Transit and Metro Long Range Plans as related to the Eastside Rail Corridor.

**RAC Membership.** Currently, RAC membership is limited to jurisdictions and entities with property interests in the railbanked portions of the corridor (three King County Councilmembers, the King County Executive or designee, Kirkland, Redmond, Sound Transit and Puget Sound Energy).

The RAC members unanimously agreed to expand its membership on June 7th, 2017 to include King County, Snohomish County, the City of Kirkland, the City of Redmond, City of Woodinville, Snohomish County, Sound Transit, Puget Sound Energy, the City of Bellevue, the City of Renton and the Eastside Greenway Alliance. The RAC membership also agreed to change its governance structure and purpose. The RAC members agreed to take the final MOU to their various governing bodies for final approval.

The proposed MOU would expand the RAC membership to also include:

* non-ownership jurisdictions (the cities of Bellevue and Renton);
* jurisdictions with ownership interests in the corridor where the corridor is not railbanked (the City of Woodinville and Snohomish County); and
* the Eastside Greenway Alliance which is an advocacy organization made up of serval groups that wish to see a complete, multi-use trail constructed along the corridor. The Eastside Greenway Alliance is comprised of REI, Forterra, Cascade Bicycle Alliance, and the Trust for Public Lands.

The MOU calls for King County to continue to have four members on the RAC (three King County Councilmembers and the Executive designee). The Eastside Greenway Alliance will have one appointed member to serve as a representative of the Alliance. All other members with have one representative from each jurisdiction or entity. The MOU allows the RAC to add or remove members on a consensus basis and ensures that all RAC decision would be made on a consensus basis. The MOU also makes it clear that he RAC will not take votes approving or disapproving items before the RAC.

**RAC Governance**. The MOU also establishes how the chair will be selected and adds a vice chair position to the RAC Governance structure. Currently, the King County Executive and the King County councilmember representing the majority of the cities directly impacted by ERC development serve as co-chairs of the RAC. The proposed MOU eliminates the co-chair provision and would require that a chair be selected from the four King County representatives on the RAC. The Vice Chair would be an elected official from another ERC owner jurisdiction (the City of Kirkland, the City of Redmond, the City of Woodinville, or Snohomish County). The Chair and Vice Chair position would be selected every two (2) years by the ownership jurisdiction members of the RAC.

Under the proposed MOU, the RAC would continue to operate under a consensus model as it has operated since the RAC’s original formation. The RAC will not take votes approving or disapproving any particular item before the RAC. The RAC may establish subcommittees of members and staff as needed to address special and or specific issues related to the work of the RAC.

**Policy Issues.** Consistent with the current legal structure of the RAC, the MOU does not bind any financial or property interest of any entity.

**AMENDMENT**

A technical amendment has been prepared. Amendment 1 would correct the name of Eastside Greenway Alliance and update Attachment A (the MOU) to reflect technical corrections.

1. Under the Federal National Trails Act, also known as the Rails to Trails Act, 16 U.S.C. §1247(d). [↑](#footnote-ref-1)
2. As the Interim Trail User, the County is subject to legal obligations imposed by Section 8(d) of the Rails-to-Trails Act, 16 U.S.C. § 1247(d) and 49 C.F.R § 1152.29, as implemented through the Notices of Interim Trail Use (NITUs) for the various parts of the Corridor issued by the Surface Transportation Board (STB), and also the Trail Use Agreement entered into between BNSF and the County, and the STB-required Statement of Willingness to Accept Financial Responsibility (SWAFR). Pursuant to the Rails to Trails Act, all interim uses of railbanked corridors are subject to reactivation of potential interstate freight rail service. [↑](#footnote-ref-2)