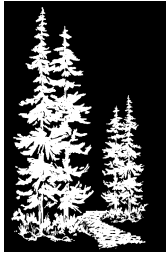


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Friends of the East Lake Sammamish Trail
3310 221st Ave SE
Sammamish, WA 98075
Oct. 29, 2018

Docket No. EP 749 (Sub-No. 1)

LIMITING EXTENSIONS OF TRAIL USE NEGOTIATING PERIODS

The Friends of the East Lake Sammamish Trail is a small grassroots organization of approximately 20 active members who either live in Sammamish or adjacent communities in King County and who cycle and walk the East Lake Sammamish Trail.

Our group was originally founded in 1999 with the goal of creating this trail. Once the interim trail was finished and opened for public use in 2006, the goal of our group changed to advocating for the completion of the trail to national standards with a 12' wide paved trail, 4' shoulders and 2' clear areas. We are now down to completing the last 3 ½ miles of the interim trail.

We urge the Board to decline adopting the proposed rule related to a petition by NARPO, National Association of Reversionary Property Owners to limit the extension of trail use negotiation periods to a maximum of six 180-day extensions. Our own trail, The East Lake Sammamish Trail, took 2 years to obtain interim trail status, four 180 day review periods. The Burlington Northern Santa Fe ceased operating this section of track in August, 1996. At one point, the Surface Transportation Board even revoked the purchase after a railroad union filed a petition that it was sold to a "straw organization" to avoid labor costs. During this time Dick Welsh, head of NARPO lived next to our trail and also organized the homeowners next to it to form a railroad in order to block the trail from being built. It took some time to sort all these issues out and it is possible similar issues could happen to other groups and may take more time than expected.

NARPO has failed to justify that its proposed rule is needed or to demonstrate how any of its members might be hurt by the extensions. Our organization, Friends of the East Lake Sammamish Trail agree with the comments made on behalf of the Madison County Mass Transit District and Iowa Natural Heritage Foundation submitted by Charles Montange;

“Also, the ability to extend the trail use negotiating period is critical as delays may be a result of factors not attributable to the trail sponsor (e.g., proceedings involving an Offer of Financial Assistance, delays resulting from compliance with environmental and historic preservation conditions, and carrier negotiations with salvage operators). The Board may also evaluate NITU extension requests on a case-by-case basis to determine if they are reasonable.”

Our organization, the Friends of the East Lake Sammamish Trail have supported the conversion of the East Lake Sammamish rail line since the railroad showed interest in abandoning service. We understand the complexity of issues and interests that intersect at the point of negotiations for the lease or transfer of liability to an “interim trail manager” for use as a trail. We support the Surface Transportation Board in its effort to implement 16 USC 1247 (d) which reads in part;

“The of Transportation, the Chairman of the Surface Transportation Board, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976 [45 U.S.C. 801 et seq.], shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs.”

Setting arbitrary deadlines for completion of negotiations for lease or transfer of liability to “interim trail manager” only encourages the filing of court cases with the sole purpose of delaying the completion of negotiations beyond the limits of the proposed time limit. No public interest is served by the limit and no public interest is served in placing time limits on complex negotiations between rail lines and a prospective “interim trail manager” working to further the Congressional intent of 16 USC 1247 (d).

NARPO is basically a property rights group that takes the position that a rail corridor reverts, or should revert, to adjoining property owners upon abandonment, or presumably be available to adjoining property owners to occupy by way of adverse possession if it does not otherwise revert. This totally undermines the entire Rails to Trails Act.

We find it interesting that NARPO has received support even today by Sammamish Homeowners (SHO), a group of trailside homeowners who have filed many lawsuits over the years related to property rights which has slowed the completion of our trail. They lost their most recent federal lawsuit a few months ago. (*Hornish v. King County*, 899 F.3d 680 (9th Cir. 2018))

When our group started, the goal of King County was to take 15 years to build the trail. With that schedule, it would have been completed in 2014. However, here we are in 2018, contemplating the start of the last 3.5 miles of trail which will take another 3 years to complete putting us behind 7 years assuming SHO does no more appeals.

The parts that have been completed are wonderful and getting more use all the time now that our trail, which connects to several other regional trails, extends trail use from downtown Seattle to across the state. This is really important legislation that provides both non-motorized transportation and recreation to so many people across the country regardless of their age or ability. It should not be tampered with! Please don't limit the extensions for interim trail status.

On behalf of our organization, the Friends of the East Lake Sammamish Trail, I request that you reject the proposed rulemaking suggested by NARPO.

Thank you for your consideration.

Sincerely,

Janet Bird
Lead Advocate
Friends of the East Lake Sammamish Trail
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