March 16, 2016

Sound Transit Board
c/o Board Administrator
401 S. Jackson Street
Seattle, WA 98104-2826

Dear Sound Transit Board:

We are writing to you prior to the release of the draft system plan to emphasize the investments that need to be in the ST3 package to adequately serve Kirkland, the Eastside, and the region.
The City of Kirkland supports the intensive capital option of E-02, I-405 Bus Rapid Transit (BRT). This option must include an in line transit station on I-405 at NE 85th Street (E-02c1), as well as transit service along NE 85th Street (E-02c2) that links Downtown Kirkland to I-405 and to Downtown Redmond.

In addition, Kirkland supports candidate project E-06, BRT on Eastside Rail Corridor (ERC) from Kirkland to Bellevue. Kirkland's analysis shows that BRT on the Cross Kirkland Corridor (CKC) is significantly less expensive than light rail, provides much more flexible service, including the ability to directly serve Downtown Kirkland, and can be integrated with Metro Transit service to provide much higher ridership than light rail. Just as importantly, BRT on Kirkland's segment of the ERC, known as the Cross Kirkland Corridor best addresses the impacts of transit raised by Kirkland residents through Kirkland's extensive public outreach process. These concerns include noise, emissions, visual and environmental impacts, safety of pedestrians and cyclists, retaining the ability to traverse the CKC east-west throughout its length, and preserving the neighborhood look and feel of the CKC. Electric BRT service can mitigate the concerns of our community; light rail cannot.

On March 1, three members of our City Council met with Sound Transit Board members John Marchione, Claudia Balducci, Fred Butler and with Board Chair Dow Constantine. During that discussion, the Sound Transit Board members communicated that the Board would not support BRT on the CKC and that Kirkland should accept light rail instead. No formal analysis of why BRT is not the most cost-effective service for Kirkland and the region has been provided to us by Sound Transit.

Kirkland supports light rail expansion in the region, just not along the CKC. The CKC is unique as it is the only corridor being evaluated for light rail that is not along a major arterial or highway. The railbanked status of the CKC also requires that a trail exist on the corridor, which is not the case with any other potential light rail investment. The popular interim trail includes many neighborhood access points and crossings independent of road intersections. Safety requirements for light rail would re-establish a barrier.

For these reasons, Kirkland cannot support light rail on the CKC in the ST3 package.

The short planning timeframe for the ST3 package has not allowed us to come together and agree on an appropriate transit solution for Kirkland, but we do believe that we can in the future.

Given the vocal community concerns about transit on the Cross Kirkland Corridor in the 13 months since the interim trail opened, we are concerned about the impact to transit on the entire Eastside Rail Corridor if no Cross Kirkland Corridor investments are included in ST3. Kirkland's vision for the corridor, as expressed when Kirkland purchased the corridor, and detailed in our Cross Kirkland Corridor master plan, shows how trails and transit can co-exist. It is vital that we demonstrate for the community how that vision can work now, as a quick win for access.

The Kirkland Compromise

The City of Kirkland does want to support the ST3 measure and see ST3 approved by the voters. It is critical to the economic viability of both Kirkland and the region that more transit solutions are made available throughout the three county area. Therefore the City of Kirkland would like to suggest a compromise to the full Board to resolve this impasse. A draft version of this compromise was proposed to the four Sound Transit Board members in the March 1 meeting.

The concept, modeled after the Atlanta BeltLine development strategy that was presented at the East Side Rail Corridor Summit in January, would be for Sound Transit to fund in ST3 the pre-development work necessary for any future HCT system on the CKC and connecting to Bellevue. This approach would set aside 250 million dollars for three distinct "Phase 1" projects to prepare the Eastside Rail Corridor for future HCT from the Totem Lake Urban Center to the Wilburton Station in Bellevue by clearly defining the future transit envelope and final trail alignment along the CKC and the ERC. The funds would be allocated as follows:

- $50 million would provide design money for future HCT along the CKC and the ERC from Totem Lake to Bellevue's Wilburton Station.
- $100 million dollars to construct a regional trail connection consistent with the Cross Kirkland Corridor Master Plan from Sound Transit's Totem Lake terminus to the South Kirkland Park & Ride to provide bicycle and pedestrian access to the Sound Transit system.
- $100 million to construct a regional trail connection consistent with King County's Eastside Rail Corridor Regional Trail Plan from the South Kirkland Park & Ride to Wilburton Station to provide bicycle and pedestrian access to East link in Bellevue. When transit is built on the corridor, keeping these trail connections are necessary to preserve the Eastside Rail Corridor's railbanked status under the National Trails Systems Act (16.U.S.C. 1247(d)).

Phase 2 would fund HCT construction.

Suggested system plan language for the system plan to implement this compromise is as follows:

> *"From Totem Lake to the South Kirkland Park and Ride, the project would relocate and rebuild the existing Interim Trail as a permanent Regional Trail, consistent with the vision of the City of Kirkland's CKC Master Plan to provide access to Sound Transit's I-405 service at the Kingsgate Park and Ride. A transit envelope of at least 30 feet would be reserved, primarily on the eastern portion of the Corridor, for the future HCT system. From the South Kirkland Park and Ride to Wilburton Station, the Regional Trail would be constructed in a manner consistent with King County's Eastside Rail Corridor Regional Trail Plan to provide access to East link's Wilburton Station, while reserving sufficient space in the Eastside Rail Corridor for the future HCT system.*
>
> *This project works in concert with BRT on I-405, with an inline station at NE 85th Street and transit service directly connecting Downtown Kirkland and Downtown Redmond along NE 85th Street."*

Below is a brief synopsis of the major benefits of this compromise strategy, which also presumes the I-405 investments (E-02c1 and E-02c2):

- Connects Kirkland and Redmond to I-405 BRT and to each other with transit service.
- Provides a tangible investment for Kirkland and Bellevue residents to support.
- Constructs the final regional trail that provides access to the Sound Transit system according to the Kirkland and King County visions while ensuring the trails are located so they will not be displaced by transit in the future.
- Creates a true transit alternative for active transportation that can provide access thousands of people to the Sound Transit system while additional HCT investments are on the horizon.
- Preserves the railbanked status of both the CKC and the Eastside Rail Corridor.
- Dedicates space on the Cross Kirkland Corridor and the Eastside Rail Corridor for HCT, creating certainty about the location of future transit.
- Postpones the transit mode decision to the next ballot measure and allows time for Sound Transit and the Kirkland community to determine the best mode together.
- Provides funding to design the agreed-upon HCT mode and to set the stage for construction.
- Saves Sound Transit significant money in the ST3 ballot measure by avoiding the need to fund a 1.5 billion dollar light rail line that serves only 5,000 riders per day *by 2040.*

Letter from Sound Transit Attorney Desmond Brown regarding the Kirkland Compromise

On March 15, just hours before our Council meeting, our City Attorney Kevin Raymond received a letter from Sound Transit General Counsel Desmond Brown stating that Sound Transit does not have the legal authority to implement the trail proposal in the Kirkland Compromise. Mr. Brown bases his analysis on

the view that the trails investments are mitigation. Kirkland is proposing these investments as "access" to Sound Transit facilities, not mitigation. Sound Transit has long asserted its ability to provide bicycle and pedestrian access to the Sound Transit system. In addition, when Kirkland sought state legislation clarifying Sound Transit's authority to fund trails, Sound Transit lobbyists assured Kirkland and State Legislators that Sound Transit already had this access authority and no amendment was necessary. In addition the Eastside Rail Corridor is a railbanked corridor and a trail is necessary to preserve the railbanked status. Without the railbanked status, Sound Transit would be unable to implement its transportation easement throughout the Eastside Rail Corridor. For these reasons we believe the trail investments provide access, protect the railbanked status, and can be legally completed by Sound Transit as long as they terminate in Sound Transit stations. Mr. Raymond has written a response letter to Mr. Brown that is included as an attachment to this letter and will be contacting Mr. Brown to continue this discussion with him.

While the City of Kirkland continues to believe that BRT along the CKC is the best and most cost effective transit mode for Kirkland and the region, we are also willing to support a designation of sufficient funds for "High Capacity Transit" on the CKC without designating a mode. If that is not acceptable, Kirkland would also support the ST3 package if it includes the Kirkland Compromise. If the Kirkland Compromise is not legally possible to implement, we would look to Sound Transit to provide alternatives since not one of the many proposals by Kirkland has yet been accepted by Sound Transit. We look forward to working collaboratively with the Sound Transit Board to find a solution that all sides can support.

Sincerely,
Kirkland City Council

Amy Walen
Mayor

Cc: Sound Transit Board
Kirkland City Council

Encl: Letter to Desmond Brown dated March 15, 2016

March 15, 2016

Desmond Brown
General Counsel
Sound Transit
401 S. Jackson Street
Seattle, WA 98104-2826

Re: ST3 Ballot Measure

Dear Desmond:

Thank you for your March 15, 2016 letter, which I received via email this afternoon. ST3 is on this evening's Kirkland City Council agenda, and I understand several meetings between Kirkland and Sound Transit officials are scheduled for later this week on the same subject. As a result, and while I look forward to discussing this with you further, I wanted to respond right away.

Kirkland does not view the trail relocation and rebuilding elements of what you referred to as "The Kirkland Compromise" to be in the nature of mitigation associated with a future Sound Transit HCT project between the Totem Lake Urban Center and the Wilburton Station in Bellevue. Rather, Kirkland views those elements of the proposed "compromise" as providing multi-modal (including passenger) access in connection with the Kingsgate Park and Ride in Totem Lake, the South Kirkland Park and Ride, and the Wilburton Station (East Link).

As you know, Sound Transit does have explicit statutory authority to develop such facilities and properties as may be necessary for passenger and vehicular access to and from its high capacity transportation facilities and properties. RCW 81.112.080(2). Indeed, such multi-modal access is one of Sound Transit's core priorities for ST3 system plan development, including with respect to E-03-SegA from Totem Lake to Wilburton Station.

A significant additional benefit to Sound Transit associated with the trail relocation and rebuilding elements of the "compromise" relates to the importance of the establishment of such trails under the interim use of railroad rights-of-way provisions of the federal Rails to Trails Act, 16 U.S.C.A 1247(d). The successful implementation of a long-term "rail-banking" strategy along this corridor could be especially prudent for Sound Transit (and affected communities like Kirkland) in the event ST3 does not include a final HCT mode decision along this corridor.

We note in passing being puzzled by your reference to the fact that the Legislature did not approve a proposed amendment to Sound Transit's enabling statute that would have specifically authorized Sound Transit to use Sound Transit tax dollars to fund trail improvements. Kirkland's recollection is that Sound Transit indicated to members of the Legislature that such an amendment was unnecessary as within Sound Transit's existing authority.

Desmond, can we please continue this conversation with an emphasis on access rather than mitigation? We think that Sound Transit's existing authority, buttressed by pragmatic concerns under Rails to Trails, suggests that an approach to this issue that works for Sound Transit, Kirkland and the region is well within reach.

Sincerely,

Kevin Raymond

Kevin Raymond
City Attorney's Office

cc: Sound Transit Board
Peter Rogoff