

**ShoreScore Update
Special Edition**

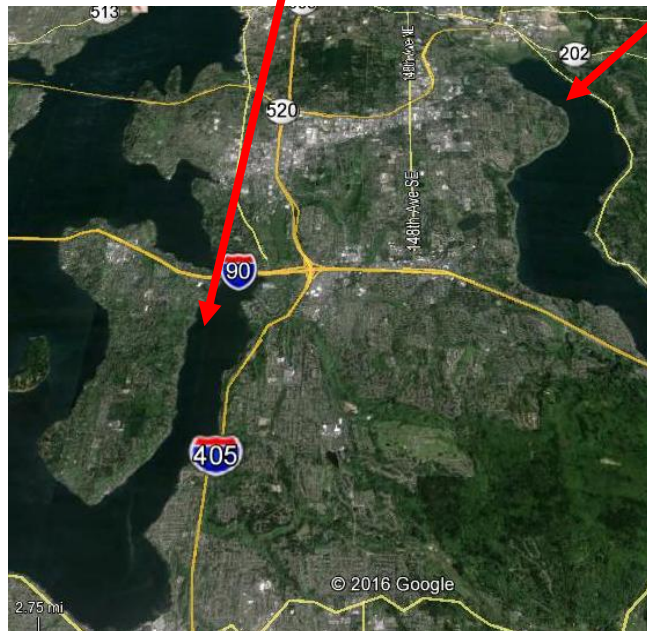
July 2016



A Tail of Two Trails - Shoreline Owners Fight Government Land Grab

Shoreline property owners alongside two former railroad rights-of-way (ROW) in our area have been battling local government over a fundamental issue of property rights which has the potential to profoundly impact their quality of life.

Burlington Northern abandoned 12.5 miles of ROW along the east side of **Lake Sammamish** in 1998, and 5.5 miles along the east side of **Lake Washington** in 2008.



Consistent with the 1983 Rails-to-Trails Act established by the US Congress, these two ROWs were “rail-banked” for possible future railroad use but were allowed to become sites for hiking and biking trails. King County purchased the railroad’s interest in the ROW along Lake Sammamish and the Port of Seattle purchased the section along Lake Washington.

Subsequently, the Federal Court of Claims ruled in 2011 that the railroad did not own most of the land constituting the rail corridor along Lake Sammamish but merely had a surface easement for rail use, and upon abandonment the land was to revert back to the adjoining property owners, subject only to the presence of a trail. In roughly 50 cases around the country the courts have ruled the same for similar abandonments. In short, the government did not purchase the land itself, it merely acquired the right to have a trail on it.

So what's the problem? Despite these rulings the County and the Port are claiming outright ownership of the land. Along with this, these government agencies claim they have the right to dictate the use of the entire rail corridor (up to 200 ft wide in some places) and to require permits and fees to cross it, park on it, maintain landscaping on it, and deny other uses the adjacent property owners have made of the land, as allowed by the railroad, for over 100 years. Further, there is discussion of running high voltage power lines, light rail, and other utilities on the Lake Washington ROW.

To date, the County has built one of three segments of the trail in Sammamish. It is 18 ft wide, with clearing up to 40 ft. in width and included removal of 2000 mature trees and other vegetation. The environmental impact is severe and contrary to the objectives of the State Shoreline Management Act.

In separate actions for the two ROWs, shoreline property owners have challenged the government claims of outright ownership and the right to more than just a trail. Recently two Federal Court judges separately ruled in favor of the government. These rulings fly in the face of other court rulings across the country, and both property owner groups will appeal those decisions. Of course, these actions have been expensive, and ironically, our governing bodies are effectively using taxpayers' money to fight citizens.

For more information, please visit the websites of the two property owner groups:

www.sammamishhomeowners.org and www.lakecorridor.org/home.html

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