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**Contact:**

Joshua Brower, 206.498.1804

josh@browerlawps.com

**Ballard Railroad Asks Federal Surface Transportation Board to**

**Override City Plans for a Bike Trail Through Ballard**

The Ballard Terminal Railroad Company filed a petition with the U.S. Surface Transportation Board seeking an order prohibiting the City of Seattle Department of Transportation from proceeding with its efforts and plans to build the Missing Link because doing so will create unsafe operating conditions.

The order is being requested in connection with the city’s proposed construction of the Burke Gilman Trail’s 1.4-mile Missing Link segment planned immediately adjacent to the rail line in Ballard, which a local court just delayed because of the city’s repeated failure to adequately disclose the trail’s environmental impacts.

The railroad company is asking the STB to prohibit the City from building the Missing Link directly adjacent to the active rail line and from reconfiguring right of way to force the railroad to operate within an active vehicle lane—going both with and directly into oncoming traffic--because it will put trail users into danger and create unreasonably dangerous operating conditions.

In 1996 the City of Seattle agreed to locate the final section of the bike trail away from the rail line. In 2001 the city changed its plan, and for the past 17 years has insisted on building the Missing Link directly adjacent to the railroad.

The Seattle Department of Transportation’s plan will create unsafe conditions for the railroad and impede its ability to perform routine maintenance and repairs.

“With its current proposed plan, the city will force the railroad to operate in extremely dangerous conditions and environments,” said attorney Joshua Brower, who represents the Ballard Terminal Railroad Company. “In contrast, SDOT can easily relocate the Missing Link away from the active rail line, just as the city agreed to do in 1996, by moving it just two blocks away to Northwest Leary Avenue.”

Despite numerous legal challenges, the City of Seattle has focused solely on routing the last section of the Burke-Gilman trail along Shilshole Avenue, a busy industrial area. The city recently announced construction would start in early 2019, creating significant urgency for the Ballard Terminal Railroad Company. The City’s plans were put on hold on December 13 when the King County Superior Court declared the City’s EIS for the Missing Link legally deficient, requiring the City to go back to the drawing board and redo the EIS to properly disclose impacts from the trail.

A large coalition of labor, business owners, employees, union members and residents are pressing the city to move the Missing Link to Leary Avenue/Way as the best and safest route, and one with strong community support.

The Surface Transportation Board was created by Congress in 1995 and has exclusive jurisdiction over railroad operations and facilities. The STB’s jurisdiction trump’s local land use authority and state-based condemnation authority. The STB routinely preempts and prohibits local cities from using their land use laws and governmental authority to create unsafe operating conditions for railroads.

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