**For Immediate Release**

Nov. 19, 2019

**Contact:** Joshua Brower, (206) 498-1804

josh@browerlawps.com

**King County Superior Court Hands City of Seattle Another Defeat**

**Further Delaying Completion of the Missing Link**

SEATTLE – Ballard Terminal Railroad does not have to move or reconfigure its railroad tracks to make room for the Missing Link of the Burke-Gilman Trail, a King County judge ruled last week. The decision gives the railroad a green light to pursue its claims against the City of Seattle before the Surface Transportation Board in Washington, D.C.

King County Judge Averil Rothrock’s decision last Wednesday is the latest ruling against the City of Seattle in its long quest to complete the Missing Link section of the trail along Shilshole Avenue in Ballard.

The City had sued the railroad, claiming that a 1997 agreement required Ballard Terminal Railroad to reconfigure and move its tracks so the City could build the Missing Link on Shilshole. The City also claimed that the agreement barred Ballard Terminal from protesting the City’s actions in court and before the Surface Transportation Board.

“This is another huge victory for working-class Ballard,” said Josh Brower, attorney for the Ballard Terminal Railroad and for a coalition of labor and business groups advocating for the City to move the Missing Link two blocks from Shilshole Avenue to Leary Way.

The City will now have to redesign the trail to accommodate the railroad serving Ballard’s maritime and industrial businesses instead of trying to force it out of business.

“This decision, coupled with the decision in October from the State Shoreline Hearings Board, revoking the City’s permit for the Missing Link and requiring it to obtain a new permit before it can build any portion of the trail, including along Market Street, are just the latest examples showing that the City is trying to shoe-horn the Missing Link into the wrong location,” said Brower.

The court’s decision could cost the City millions of dollars and cause delays of a year or more. The City has to throw out its current design plans that depended on forcing the railroad to move and reconfigure its tracks. In addition, the City also has to reapply for a new shoreline permit for the entire Missing Link, not just portions located on Shilshole.

This is the third time since 2008 that the City has had to throw out its design plans. Prior to spending money on the current design plans, the City already wasted $4.8 million on an earlier design it had to discard when it was ordered to prepare an EIS for the Missing Link. The Court ruled in late 2018 that the EIS was inadequate.

# # #