

Railbanking and Landowner Compensation under the National Trails System Act

By Bob Russell

The term “railbanking” refers to a provision of the National Trails System Act at 16 U.S.C. 1247(d) and the governing regulations in 49 CFR 1252.29 (collectively, the Railbanking Law). The federal law is designed to keep interstate railroad rights of way (ROW), which are subject to federal control, intact when there are no current railroad operations on the ROW. Railbanking creates a system for preserving railroad sections by converting existing railroad ROW to recreational trails.

Under Brandt v. United States (2014) 572 U.S. 93, the United States Supreme Court, in a quiet title action, held that the railroad’s right of way obtained under an 1875 Act of Congress, was an easement, subject to common law principles, including a reversionary interest in the owners of the underlying land. Lawson v. State (1986) 107 Wn. 2d 444, similarly held that, under Washington law, a railroad easement does not allow for alternate use as a trail easement unless the original language of grant provides otherwise. This is the first step in determining the impact of railbanking on the underlying property owner.

If a property owner feels that their “property” has been “taken” in the railbanking process, their sole recourse is to file a claim in the U.S. Court of Federal Claims for compensation from the federal government, since it is a federal law that created railbanking. In Preseault v United States (1990) 494 US 1, the United States Supreme Court case upheld the National Trails System Act, and the mechanism for interim use of unused railroad rights of way, as public recreational trails. The court also held that, where the existing railroad right of way did not include either fee title or a right of way for non-railroad trail use, the owner of underlying property rights was entitled to compensation from the federal government for a “taking” under Article V of the Constitution.

Under Preseault and cases following it, adjacent landowners have no right to interfere with the railbanking process; they can only claim “takings” damages against the federal government in a federal Court of Claims proceeding, because the Railbanking Law is a federal action creating and implementing the railbanking process. Since the United States Supreme Court ruled on this process in 1990, the thousands of cases filed across the country to recover compensation under the Railbanking Law have all been required to pursue compensation in this manner, and prohibited landowners from seeking recovery in state courts, or from the railbanking parties.

The method of calculating damages for the holder of the reversionary fee title is the difference between the value of each parcel unencumbered by trail usage and its value so encumbered. Haggart v. United States (2012) 108 Fed. Cl. 70 (a class action involving some 500+ landowners in the state of Washington). The Railbanking Law preempts state law on just compensation remedies.



Whitman County Planning Commission
400 N. Main Street
Colfax, WA 99111

April 29, 2021

Dear Whitman County Planning Commissioners:

The Pullman Civic Trust has worked with legal experts to understand and interpret railbanking law. We are writing to address comments provided by Mr. and Mrs. Buckley in their written comments for the Planning Commission, 4-21-2021 regarding an interpretation of the 2014 Supreme Court decision, *Brandt v US*. We offer the following information for the public record.

Clarification on the legal history of railbanking, including the Brandt decision:

Originally, a generic railroad easement (one without any expanded description of uses) did not include the right to use it as a trail. In 1983, the right to convert a railroad easement into a trail easement (“railbanking”) was created by Congress through an amendment to the National Trails System Act. This action has been challenged in court many times and upheld by the Supreme Court.

In *Presault v U.S.* (1990), the Supreme Court ruled that conversion of a railroad easement into a trail easement is permitted by the federal railbanking law. However, trail use constitutes a change in the type of easement. Because this change in easement is a “taking,” landowners with legitimate claims to a reversionary land interest under the railroad easement qualify for compensation for the change in use. These claims may **only** be made against the federal government (not state or local) in the Federal Claims Court. Although landowners can thus make a claim for compensation, they do not have legal standing to interfere with the railbanking process.

Mr. and Mrs. Buckley argue that a railroad easement terminates when a railroad purpose no longer exists. According to the National Trails Act, this is not correct. A railroad easement terminates **only** when the easement owner completes the official process of abandonment through the federal Surface Transportation Board (STB). Railbanking is the alternative to abandonment. By converting the railroad easement into a trail easement, the railroad easement is **not** abandoned; rather it is preserved as an inactive rail line, until the railway use is reactivated.

The *Brandt v. U.S.* ruling referenced by the Buckleys was not about railbanking *per se*. Rather, the case was focused on whether the U.S. government retained a property interest in an abandoned railroad line. The Supreme Court ruled that the railroad easement in question had, in fact, been officially abandoned (not just that a rail purpose no longer existed). *Brandt* thus ruled that when the federal government completed the process of abandonment of the railroad easement, the easement was erased and, therefore, the government had no reversionary interest.

Brandt therefore has no relevance to the current discussion of the PCC rail system, as to which the state has not even commenced the lengthy STB abandonment process. As applied to the PCC system, under Presault, railbanking is a legitimate action to prevent abandonment of the valuable railroad easements, thus preserving them for future railroad needs.

We have attached a research brief outlining the legal foundation for these comments. Should you have any questions about railbanking or the legal basis for creating rail-trails on inactive railroad corridors, do not hesitate to call or email. Thank you for your important work guiding the future of Whitman County land use.

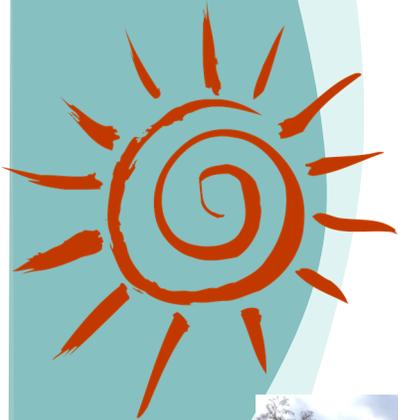
Sincerely,

Bobbie Ryder, President
Lisa Carloye, Vice President
Pullman Civic Trust
509-432-9619
509-332-9343

Contours

“Staying Socially Distant” While Connecting with Community

One thing we learned over this past crazy year is that trails became one of the safest and most well-utilized places during the pandemic. For children, retirees, and people needing to connect with others in a socially distant way, trails made this possible. The Riverwalk Trail brought people to the downtown to buy coffee and food to enjoy outside while they walked, talked and exercised. Bike purchases have been out-of-sight according to B&L Bikes, with the biggest challenge getting parts. We have heard from many that there is a real need for more trails that are flat and easily traveled by all ages and abilities. The Chipman Trail provides commuter & recreational experience, but we need new trails that allow us to see the beauty of the place we call “The Palouse.” It is on these trails we saw the best examples of strong community interaction occurring while staying socially distant and safe outdoors. Being outside and walking along a river, all while in our downtown, helped settle fears and built optimism for when life gets back to business. On these trails we felt hopeful and that made our community investment in these trails all worthwhile. Thank you, Pullman, for supporting and enjoying the trail system spearheaded by Pullman Civic Trust.



“Here comes the sun
Here comes the sun
And I say, it’s all right.

Little darling, the
smiles returning to the
faces.

Little darling, it feels
like years since it’s
been here.

Here comes the sun
Here comes the sun
And I say, it’s all right.

Sun Sun Sun
Here it comes.”

- George Harrison



President's Column

To say pandemic times have been challenging is an understatement. Nonetheless, we in PCT flexed with the world and learned to meet over Zoom. We continued to lobby for the railbanking the Colfax-Albion-Pullman (CAP) Rail corridor. We worked with the **Palouse Regional Planning Organization (PRTPO)** on a 4-County Regional Active Transportation Plan which will be complete in December 2021. The **Downtown Design Committee** and Pullman Civic Trust partnered to promote the concept to "connect the gems" by lighting the three downtown bridges with twinkly lights. In our 2019 newsletter article, "*Imagine,*" we visualized many great things that could happen in Pullman. One nugget of an idea was ripe for implementation: lighting three bridges. Funding was secured through a USDA Economic Development grant submitted by **Jennifer Hackman**, City Economic Development Manager. PCT worked with **Ruth Younce**, City Engineering Tech on the design and lights now shine on two of the bridges. We are hoping that WSDOT will agree to adding lights on the trestle this spring. During a dark time, we were again able to be part of "*giving the gift of light*" to the Downtown Riverwalk. Take a stroll along these bridges and head to downtown Pullman. Help support small businesses that have experienced serious impacts from the global pandemic. And, of course, remember to wear a mask.

Bobbie Ryder



Architectural rendering of what the B&N Trestle behind the Library will look like with twinkling lights to



The Pine Street Plaza arched footbridge has new lights that helped celebrate the holiday season.

The Flat Bridge lighting behind the Sanctuary building brightens the bridge and improves safety along the Downtown Riverwalk with added pole lights from the bridge to Spring Street.



Ruth Younce, City of Pullman Engineering Tech working on the lighting design for three bridges and additional globe lights for the Downtown Riverwalk. Well done!



What is an Active Transportation Plan?

Active Transportation means using active modes of travel such as walking, biking, or wheelchair accessibility. Almost everyone uses active transportation at some point during a trip, whether walking to a bus stop, bicycling to work, or rolling home from school. The Active Transportation Plan helps the PRTPO learn from citizens about what you would like to see in your community, be it recommendations for policy decisions or investments and improvements. The plan will consider where we are now, where we want to go, and how we are going to get there in the coming years. It coordinates with your local city and county plans. An active transportation plan provides information to funding agencies for what the community wants for multi-modal transportation. The PRTPO is working on mapping and classifying trails, sidewalks and routes in a GIS database which will provide information about safer places for people to commute and recreate in a four-county region in Eastern Washington. They anticipate that the plan will be completed in December 2021.



Photo courtesy of Palouse Regional Transportation Organization

What is Railbanking?

By 1980, the 270,000-mile system of active rail lines in the United States had contracted to 141,000 miles. This was alarming to the Federal Government because they had paid to build these rail lines and they viewed this engineering feat much like they view national parks, to be conserved for future generations. In 1983 the US Congress enacted Section 8(d) of the National Trails System Act , which established “the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use.” (16 U.S.C &1247(d)). This law allowed a railroad to free itself of responsibility for an unprofitable rail line by transferring it to a qualified private or public agency for interim use as a trail until such time as the line is needed again for rail service. This process is called “railbanking.” The possibility of creating trails for recreation and nonmotorized transportation on these unused railroad corridors became the solution for preserving these taxpayer assets. With their gentle grades, often following rivers and traversing scenic landscapes, rail corridors make ideal trails, turning vacant, sometimes derelict properties into linear parks, and filling an increasing public need for multi-modal transportation and outdoor recreation.

SPECIAL ACKNOWLEDGEMENTS

City of Pullman Public Works
City of Pullman Parks
J & H Printing
Pullman Chamber of Commerce
WSU Center for Civic Engagement
Palouse Regional Transportation
Planning Organization

Participate in Community:

The **Pullman Comprehensive Plan Update** is the top priority for the Planning Department for 2021. **The Comprehensive Plan will come before the Pullman Planning Commission at its February and March Regular Meetings, and will be presented to the City Council in April and May.** Although the proposed 2021 timeline is ambitious, it still allows for additional public input.

Whitman County is asking the public to Complete a survey to help it update the county’s comprehensive plan for the next 20 years. The survey can be found at: <https://whitmancounty.org/513/Comprehensive-Plan>



If you dream about more trees in your city, areas for pedestrians to enjoy, cleaner rivers, a welcoming look to downtown, or paths and trails creating a walkable/bikeable community, we invite you to join us. Your voice can make a difference where you live.

ANNOUNCEMENTS

In December a secret Santa left their mark, festively decorating a little tree at the Three Forks Wayside on Grand Avenue Greenway Trail. PCT is always delighted with creative gifts from caring individuals.

Dear Santa, We feel the love. Thank you!



Organization Maintenance

It is that time of year when we are updating our mailing list. We are moving to more email communication. If you have not had time to send us your email address, it is not too late. You can email: pullmancivictrust@gmail.com.



Membership Matters

Enclosed with this newsletter is our membership envelope. An annual individual membership of \$35 is a good investment in your community. Please consider joining us and participate in making a difference.

Thank You for joining!



Share Your Ideas

Are you looking for a speaker for your organization or class? Pullman Civic Trust is happy to talk about projects we are involved with. Through partnerships and collaborations PCT gets things done. We are also interested in new ideas. Let us know how we can help by emailing:

pullmancivictrust@gmail.com. Check out our website and Facebook page. Like and share!



Whitman County Planning Commission
400 N. Main Street
Colfax, WA 99111

April 25, 2021

Dear Whitman County Planning Commissioners:

Pullman Civic Trust submits in writing our comments that were presented at the public meeting on April 21, 2021. PCT appreciates the efforts you are taking to collect public input for the Comprehensive Plan Update. The meeting on 4/21/21 was informative and comfortable for those attending over Zoom because of the way the Commissioners, consultants, and staff facilitated the meeting. Thank you.

There are four main points we wish to make. We recommend the county plan adopt policies that accomplish the following goals:

1. **Preserve Whitman County rail corridors for future generations:** Have clear statements that emphasize the importance of preserving county rail corridors for future transportation needs.
2. Include a policy to support **railbanking inactive rail corridors**. This accomplishes goal #1 above and goal #3 below.
3. Articulate a commitment to **develop regional trails** to connect our communities and create a connected regional trail system.
4. Adopt a **policy to support railbanking and developing a trail on the Upper Hooper rail corridor** between Colfax and Pullman.

We see that these four objectives fit well within five of your stated Framework Goals.

Framework Goal 4 – Support Local Business and Countywide Economic Growth

Trails create an economic opportunity that supports local businesses county-wide.

- Bicycle tourists tend to stay 2.5 days longer than automobile tourists. Bicyclists and hikers stay in hotels, shop in grocery stores, eat in restaurants, shop for clothing, gear and look for repairs. All this supports local businesses.
- During COVID trail use is estimated to have increased nation-wide by 60% (Rails to Trails). In Washington State trail use is up three times the rate of previous years (Washington Trails Association).
- Local construction firms can be used to construct trails. This is economic opportunity.
- Preserving the railroad network ensures transportation options for regional commodities.

Framework Goal 5 – Protect Environmental Quality and respond to Climate Change

- Railroads move goods efficiently, significantly reducing the number of trucks on the roads. Railbanking preserves the rail system for future needs.
- Getting people into nature on public trails creates a greater appreciation for the environment.
- Bikes produce no exhaust. They move people, while not polluting the air.
- Interpretive signage along trails can help educate users about environmental quality and how to respond to climate change.

Framework Goal 6 – Promote and Improve Mobility Options

- Trails provide an optional multi-modal form of transportation.
- Separated trails provide a safe and reliable transportation system that connects communities.

Framework Goal 9 – Support Recreation and Access to Natural Areas

- Trails provide county residents and visitors with guided access to outdoor recreation and natural areas.
- Trails provide public corridors that eliminate motivations to trespass through private property. Trail users are not typically trespassers and more eyes on the corridor police unlawful behavior.

Framework Goal 10 – Preserve Cultural Heritage of Whitman County

- Rail Roads have a fascinating and long history in Whitman County. In fact, one of the most significant events in the history and growth of Whitman County is the development of railroads.
- Railbanking unused rail lines preserves these rail corridors and preserves an important element of the cultural heritage of Whitman County.
- Railbanking provides opportunities to recognize the importance of railroads in our history and to also recognize the farming families that made railroads possible here.

PCT would also like to add that Whitman County has the least amount of acreage designated for public parks, public open space, and trails of any county in the State of Washington. As our communities grow, providing specific spaces for recreation is important for the health and welfare of our citizens. We have attached the Whitman County Health Report for your review and for use by the consultants.

Should you have any questions about our recommendations or any questions about railbanking or the CAP, do not hesitate to call or email. Thank you for your important work guiding the future of Whitman County land use.

Sincerely,

Bobbie Ryder, President
Lisa Carloye, Vice President
Pullman Civic Trust

COLFAX-ALBION-PULLMAN CORRIDOR

COMMUNITY HEALTH PROFILE JUNE 2017

Developed in partnership by the Whitman County Health Department, the National Park Service Rivers, Trails & Conservation Assistance program, and Washington State University Department of Sociology

DESCRIPTION OF THE CAP CORRIDOR

The Palouse River and Coulee City Railway System (PCC), travels through some of the most spectacular and unique rural landscapes in southeastern Washington. A section of the PCC rail line runs through Whitman County, from Colfax thru Albion to Pullman (see map, right). This section is referred to as the **CAP Corridor**. For most of its 19-mile length, the CAP Corridor parallels the South Fork of the Palouse River as it winds through rolling wheat fields and farmland. The corridor also travels through forested ravines and between rocky outcrops, landforms rarely found in a region dominated by rolling hills of farmland. However, in 2006, a railroad trestle near Colfax burned, service was re-routed, and the CAP Corridor has had no rail service. At this time, the Washington State Department of Transportation (WSDOT), owner of the PCC system, is facilitating a process to determine the future of the corridor (Page 4, Figure 2).

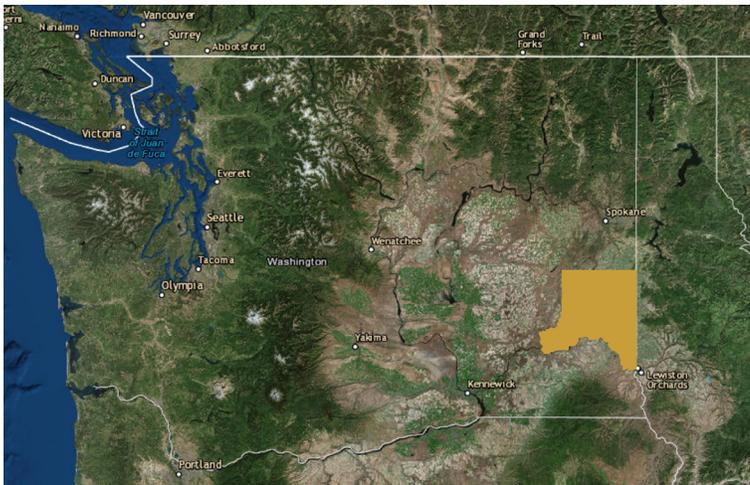
The towns along the corridor—Colfax, Albion, and Pullman—are now primarily connected by fifteen miles of Highway 195. These three communities are situated in fertile agricultural lands, and have built upon the industrious nature of the railroad and continue to be known and develop as agro-based economies. Some residents in the area have been proudly farming their land for several generations.

While each of the three towns along the corridor have their own unique and distinct cultures and community profiles, they are interconnected communities that rely on each other for a variety of needs and services. With Pullman being the regional “hub,” each of these communities have ties to the others; through family and friends, business and employment, education, civic and cultural activities, and public needs and services. They share an intertwined past and future; three interconnected communities that support, compete and thrive together.

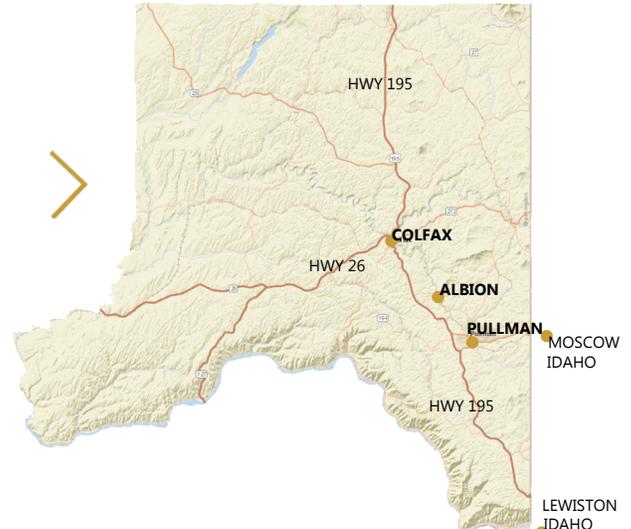
COLFAX-ALBION-PULLMAN CORRIDOR
WHITMAN COUNTY, WASHINGTON



WASHINGTON STATE



WHITMAN COUNTY



COLFAX

With a population of 2,805 residents, Colfax lies at the confluence of two regional rivers, the Snake and the Palouse. The town is situated at the junction of two highway arteries that ferry area residents to important economic areas: Highway 195 north to Spokane, and Highway 26 west to Seattle. The oldest settled town in the area, Colfax was established in 1870 and serves as Whitman County’s government seat. The community boasts regional amenities including parks, a county library, one elementary and high school, a community hospital, several retirement communities, and a number of historical sites, such as the Perkins House and the Old St. Ignatius Hospital.

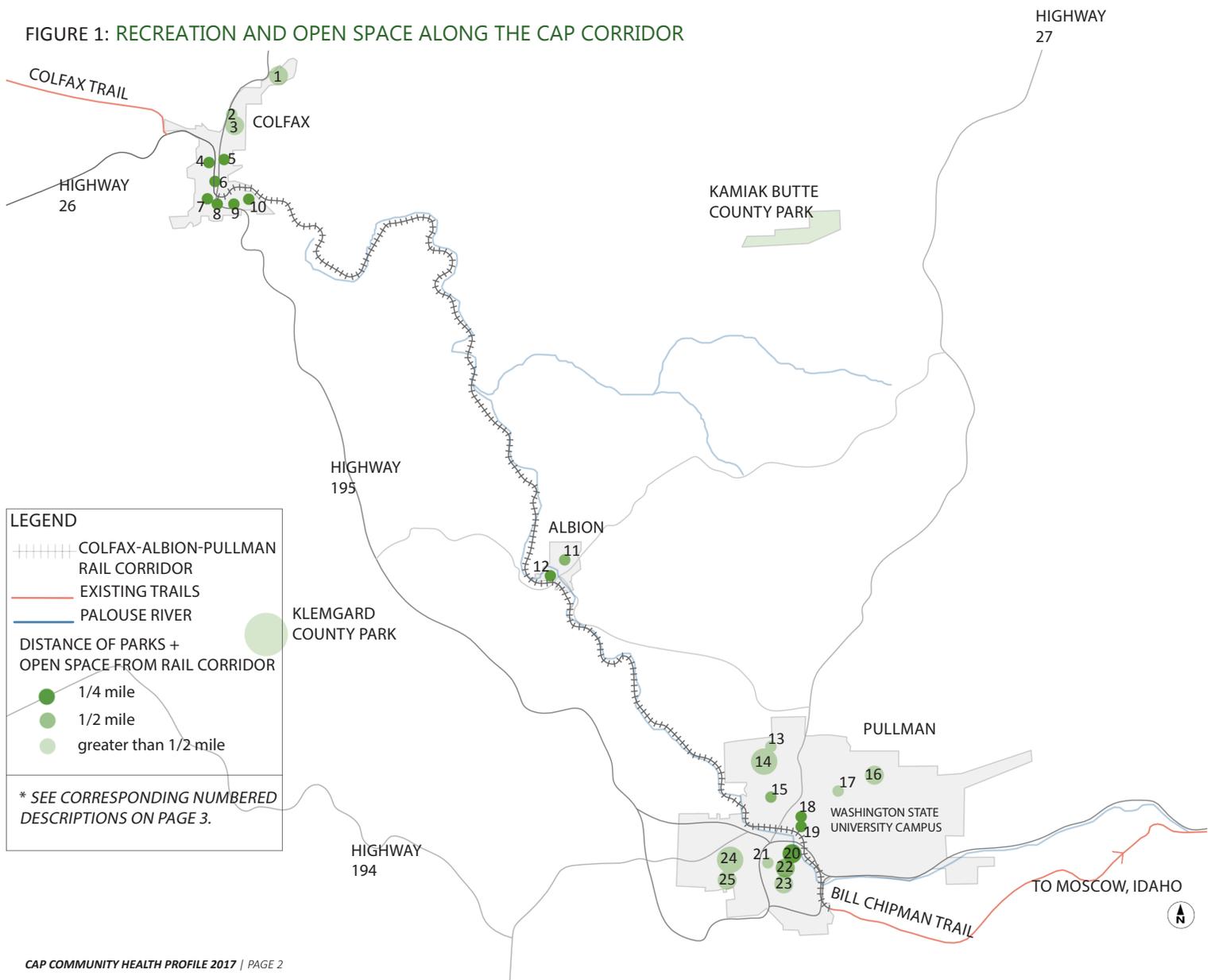
ALBION

Albion, one of the smallest towns in the region, is a rural community of 579 people. It was settled in 1871 and continues to depend on the agricultural economy that has dominated the area. Situated geographically between Colfax and Pullman, residents of this community often have to commute to the neighboring towns for social, business and educational opportunities. Community amenities in Albion include a post office, community center and parks. It is located about seven miles north of Pullman.

PULLMAN

Pullman is Whitman County’s largest city with 29,799 residents. It is also home to Washington State’s only land grant institution: Washington State University. Primarily a college town, Pullman has many amenities and services to offer residents and surrounding communities, including Colfax and Albion. These amenities include local and regional recreational trails and parks, education, growing industry, social and cultural amenities, and health and human services. Established in 1876, Pullman is home to three elementary schools, one middle school and one high school.

FIGURE 1: RECREATION AND OPEN SPACE ALONG THE CAP CORRIDOR



RECREATION AND OPEN SPACE ALONG THE CAP CORRIDOR (see map page 2)

COLFAX

POPULATION: 2,805

NUMBER of PARKS: 10

TOTAL ACREAGE OF OPEN SPACE: 31.33 ACRES

1. MCDONALD PARK 19 ACRES

Baseball Field, Softball Fields, Soccer and T-BALL Fields, Picnic Tables, Concession Stand, Drinking Fountain, Lights, Parking, Restroom, Walking Trails, Club House

2. MAGGIE CAIN POCKET PARK .3 ACRES

Picnic Table, Parking

3. SCHMUCK PARK 8.4 ACRES

Swimming Pool, Skate Park, Tennis Court, Track and Football Field, Volleyball, Playground, Walking Trails, Picnic Amenities, Bike Racks, Lights, Parking

4. EELLS PARK .63 ACRES

1/2 Basketball Court, Historic Water Fountain, 4 Picnic Tables, Restrooms, On-street Parking, Lights

5. NIEHENKE POCKET PARK .1 ACRES

Benches, Picnic Table, Parking

6. CODGER POLE .18 ACRES

Codger Pole Sculpture, Picnic Tables, Informational Signs, Lights, Parking

7. HAMILTON PARK 1.1 ACRES

Basketball Court, Playground, Restrooms, Picnic Tables, Lights, Parking

8. FIREMANS POCKET PARK .08 ACRES

Park Bench

9. GOODE POCKET PARK .34 ACRES

Benches, Lights, Picnic Tables, Footbridge

10. STAN MCLINTOCK PARK 1.2 ACRES

Auxiliary Field, Basketball Court, Playground, Restrooms, Picnic Tables, Benches, Lights, Parking

ALBION

POPULATION: 579

NUMBER of PARKS: 2

TOTAL ACREAGE OF OPEN SPACE: 3.63 ACRES

11. ALBION TOWN PARK 3 ACRES

Updated Playground, Basketball Court, Softball Field, Small Bus Stop Shelter, Gazebo, Restroom, Bike Rack, Picnic Area, Drinking Fountain, Charcoal BBQ

12. EMERSON PARK .63 ACRES

Picnic Tables, Charcoal BBQs, Drinking Fountain, Interpretive Sign

COUNTY PARKS

KAMIAK BUTTE 218 ACRES

3.5 Mile Loop-Trail, Camping, Amphitheater, Picnic Tables, Outdoor Grills, Covered Shelters, Restrooms, Playground

KLEMGARD 59 ACRES

5+ Miles of Forested Hiking Trails, Large Day Use Shelter, Small Day Use Shelters, Playground, Sand Volleyball Courts, Horseshoe Pits, Multi-purpose Fields, Restrooms, Picnic Areas with Tables and Grills

PULLMAN

POPULATION: 29,799

NUMBER of PARKS: 13

TOTAL ACREAGE OF OPEN SPACE: 112.81 ACRES

13. TERRE VIEW PARK 3.25 ACRES

Playground, Restroom, Picnic Table, Wetland Pond Nature Area

14. MILITARY HILL PARK 25 ACRES

Tennis Courts, Baseball Diamonds, Play field, Playground, Picnic Shelter, Restrooms, BBQ, Trail

15. HARRISON TOT LOT .23 ACRES

Toddler Playground, Casual Seating Areas, BBQ, Picnic Table

16. MAGPIE FOREST 14 ACRES

Outdoor Ecology Lab, Palouse Prairie Restoration, Natural Area and Education Trail

17. MCGEE PARK 3.04 ACRES

Basketball Court, Softball Diamond, Playground, Picnic Shelter, Restroom, BBQ

18. REANEY PARK 1.64 ACRES

Swimming Pool, Bandstand, Small Golf Area, Playground, Area for Festivals

19. SPRING STREET PARK 2.75 ACRES

Skateboard Park, Restrooms, Benches, Link to the Bill Chipman Trail

20. CITY PLAY FIELD 8.66 ACRES

Softball Fields, Jogging Track, Exercise Stations, Volleyball Court, Batting Cages, Restrooms, Picnic Tables, Drinking Fountains

21. WOODCRAFT PARK .84 ACRES

Picnic Area with Shade Trees, Swing, Restrooms

22. KRUEGEL PARK 7.95 ACRES

Tennis Courts, Football Field, Little League Baseball Field, Soccer Field, Volleyball Court, Playground, Childrens Climbing Equipment, Restrooms, Picnic Shelter, Sand Area, Tree Groves, BBQ

23. LAWSON GARDENS 13 ACRES

Large Reflecting Pool, Gazebo, Seasonal Plantings, Grassy Areas, Formal Gardens

24. SUNNYSIDE PARK 25 ACRES

Little League Baseball Field, Tennis Courts, Volleyball Court, Disc Golf, Trails, Community Gardens, Playground, Large Picnic Shelter, BBQ, Grassy Knolls, Ponds, Waterfalls, Babbling Creeks

25. HANI PARK 7.45 ACRES

Natural Linear Park, Gazebo

REGIONAL TRAILS

BILL CHIPMAN TRAIL 7.1 MILES

Paved Multi-modal Trail, Rest Areas, Interpretive Areas, Emergency Phones

COLFAX TRAIL 3 MILES

Soft-Surface Trail

THE FUTURE OF THE CAP CORRIDOR

In 2017, WSDOT decided to formally discontinue service along the CAP Corridor (see Figure 2). As the owner of the right-of-way (ROW), WSDOT then assumes responsibility for maintenance. With discontinuance of service, the Surface Transportation Board (STB) still considers the corridor an active railroad and, therefore, **no public access is permitted**. WSDOT could maintain the corridor and preserve the ROW indefinitely.

At this point, further action requires the Washington State Legislature to direct WSDOT to file an *Intent to Abandon* rail service with the STB. If abandonment is approved, two outcomes are possible:

1. A third party could file a petition with the STB to prohibit sale for 180 days, so that the third party could negotiate to **acquire the corridor for public use via the Federal Railbanking Act**. WSDOT may voluntarily enter into an agreement for alternative use, at which point, a third party assumes control of the right of way. If the parties fail to reach an agreement within the 180 day period, or no party expresses interest, STB must allow WSDOT to fully abandon the line and dispose of its property.
2. WSDOT could **dispose of the ROW** in accordance with reversionary rights of adjacent property owners where applicable and through sale of properties owned outright by WSDOT. This would realistically prevent any future rail use in the corridor.

A community workshop on the future of the CAP Corridor was held on June 5th, 2016, and collected stakeholder interests and concerns. This community health profile is in response to participants' concerns with existing community health and the potential impact if option 1 is pursued and the CAP Corridor is converted into a trail for public use.

DEMOGRAPHICS

There is a wide distribution of ages in the CAP Corridor, including a large number of residents aged 18 to 24, which reflects the student population at Washington State University residing in or near Pullman (Figure 3). Most residents in the CAP Corridor and Whitman County are white (over 80%). Other races/ethnicities found in the CAP Corridor include about 12% Asian, 3% Black, a little less than 2% American Indian or Native American and less 1% Native Hawaiian or other race (Figure 4).

FIGURE 2: WSDOT PROCESS FOR THE CAP CORRIDOR

SOURCE: WASHINGTON DEPARTMENT OF TRANSPORTATION

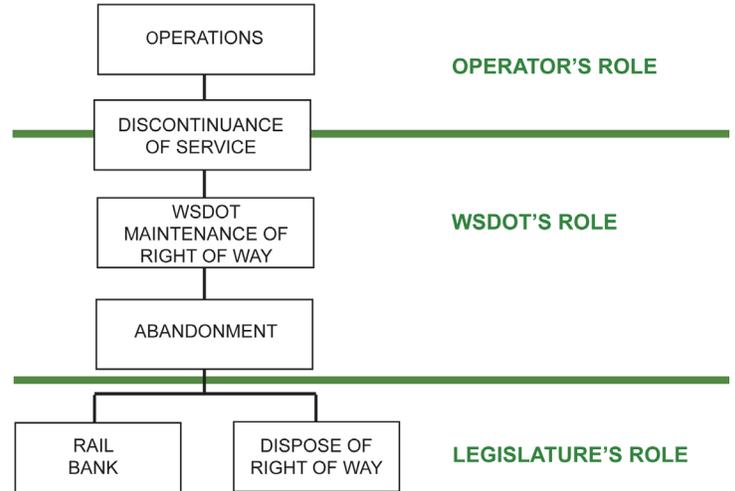


FIGURE 3: AGE DISTRIBUTION

SOURCE: 2011-2015 AMERICAN COMMUNITY SURVEY

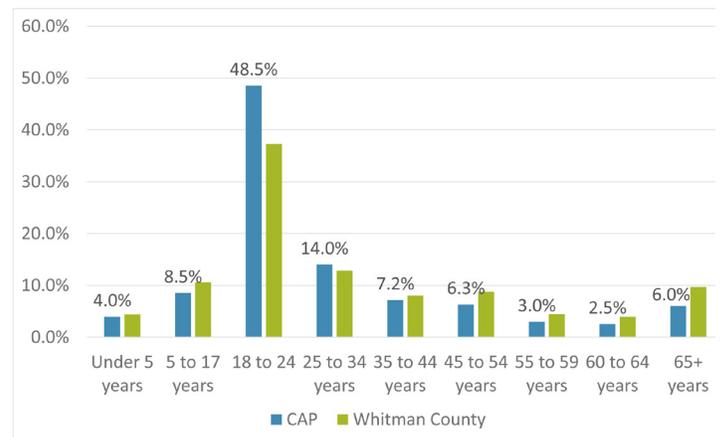
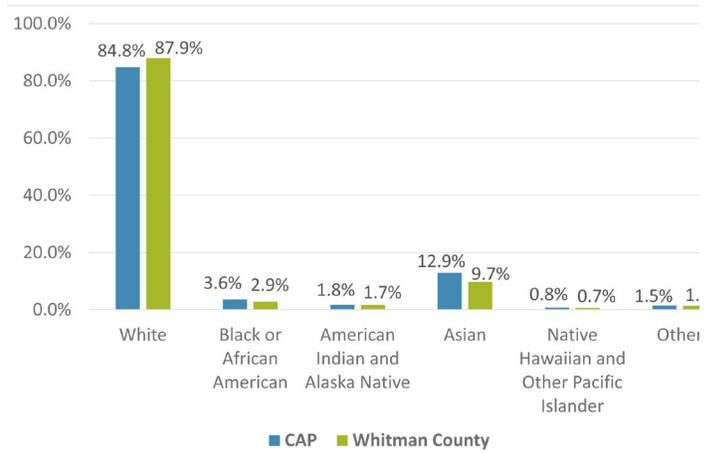


FIGURE 4: RACE/ETHNICITY

SOURCE: 2011-2015 AMERICAN COMMUNITY SURVEY



POVERTY

“Social and economic conditions are major determinants of health. Income, wealth, education, employment, neighborhood conditions and social policies interact in complex ways to affect our biology, health-related behaviors, environmental exposures, and availability and use of medical services. Health impacts associated with lower socioeconomic position can begin before birth and build up throughout life.”

Source: WSDOH Social and Economic Determinants of Health, 2013

In the CAP Corridor, overall poverty is 42.8%, just over 10% higher than the average in Whitman County (32.7%); poverty here is higher than the US average (15.6%) and the Washington State average (13.5%) (See Figure 5).

Since students (ages 18-24) make up a large percentage of the population in Pullman, a more accurate depiction of poverty among full-time residents may be represented by the data for children in poverty, which is 23.8% and higher than the US average of 15.6% for poverty (Figure 6 and 7).

FIGURE 5: POVERTY RATES

SOURCE: 2011-2015 AMERICAN COMMUNITY SURVEY

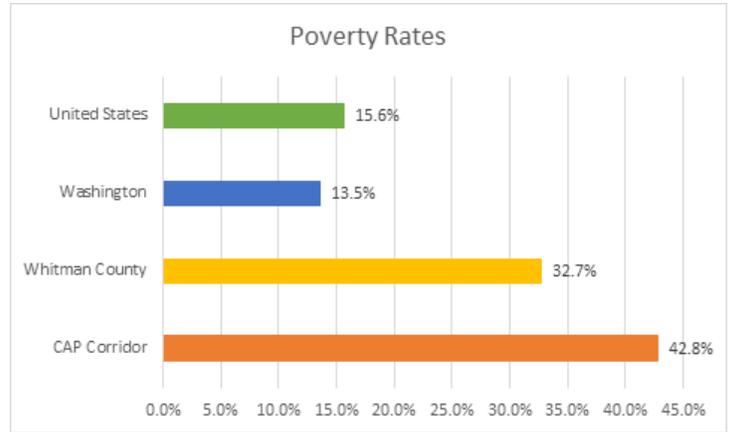


FIGURE 6: POVERTY BY AGE

SOURCE: 2011-2015 AMERICAN COMMUNITY SURVEY

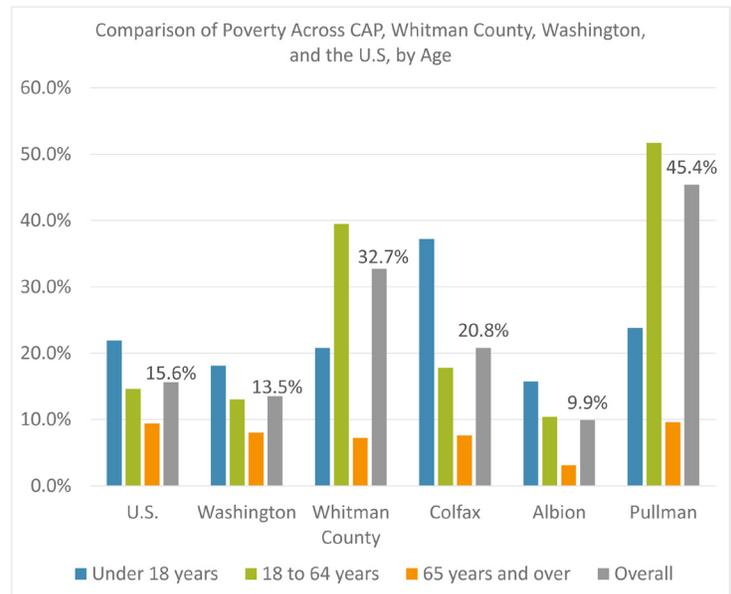
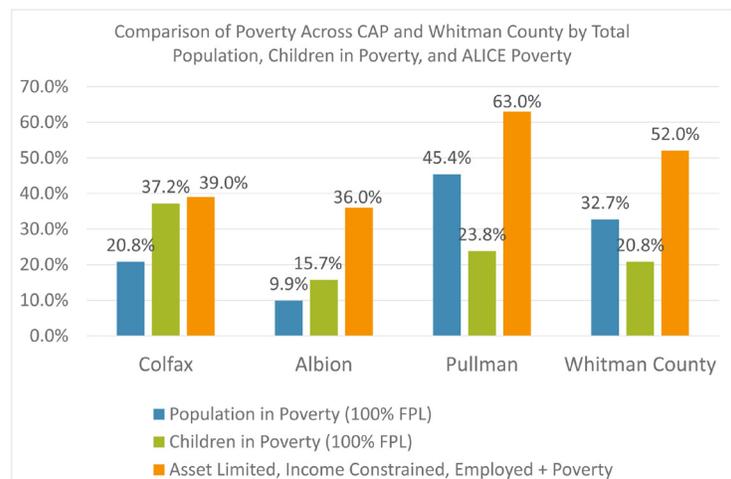


FIGURE 7: COMPARISON OF POVERTY

SOURCE: 2011-2015 AMERICAN COMMUNITY SURVEY



COMMUNITY PROFILE SUMMARY

SOURCE: 2011-2015 AMERICAN COMMUNITY SURVEY

Demographic Characteristics	Whitman County				CAP Communities			
	Whitman County	Colfax	Albion	Pullman	Whitman County	Colfax	Albion	Pullman
Total Population	46,003	2,826	546	30,851				
Sex								
Male	23,452	1,568	275	15,669				
Female	22,551	1,258	271	15,182				
Educational Attainment (pop. 25 years and over)								
No High School Diploma	4.2%	8.3%	4.4%	3.0%				
Only High School Diploma or GED	18.5%	21.3%	29.6%	10.5%				
Some College, No Degree	20.9%	29.5%	35.2%	15.4%				
Associate's Degree	8.5%	12.8%	37%	6.1%				
Bachelor Level Degree	25.1%	16.7%	22.2%	30.8%				
Post-Graduate Level Degree	22.7%	11.3%	3.0%	34.2%				
Income								
Median Household Income	\$35,578	\$45,729	\$40,893	\$24,487				
Uninsured								
No Healthcare Coverage (Total Population)	9.0%	6.5%	10.8%	3.9%				
Poverty								
Adult Population in Poverty (100% FPL)	32.7%	20.8%	9.9%	45.4%				
Children in Poverty (100% FPL)	20.8%	37.2%	15.7%	23.8%				
Asset Limited, Income Constrained, Employed (ALICE) + Poverty	52.0%	39.0%	36.0%	63.0%				
Employment								
Unemployment Rate	7.6%	0.7%	2.5%	9.1%				

Poverty may also make transportation to work, school, services and for healthy food much harder. Residents in Whitman County reported a lack of bus or public transportation between cities.

The majority of residents in Colfax, Albion, and Pullman reported using a personal vehicle to get to work and other activities.

On average, **8% of residents self-reported “difficulty accessing transportation”** as a barrier to reaching social services. Eleven percent of respondents self-identified “transportation and help buying fuel for private vehicles” as needs within their home. Twenty-six percent of respondents who lived outside of Pullman, and were low-income, identified **help buying fuel for their vehicles as a need due to a combination of limited access to private vehicles, unaffordable transportation, and need to drive to work** (due to geographic isolation of various cities).

Unaffordable transportation in communities along the CAP Corridor is rated high (Figure 8) which can limit access to healthy food (Figure 9). Several surrounding communities depend on the towns along the CAP Corridor for resources such as fresh groceries.

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015

18% of Whitman County residents reported being concerned about their access to food in the past year.

3% reported going hungry due to a lack of access to food.

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015

FIGURE 8: UNAFFORDABLE TRANSPORTATION

SOURCE: WASHINGTON STATE DEPARTMENT OF HEALTH, “UNAFFORDABLE TRANSPORTATION,” FEBRUARY 16, 2016

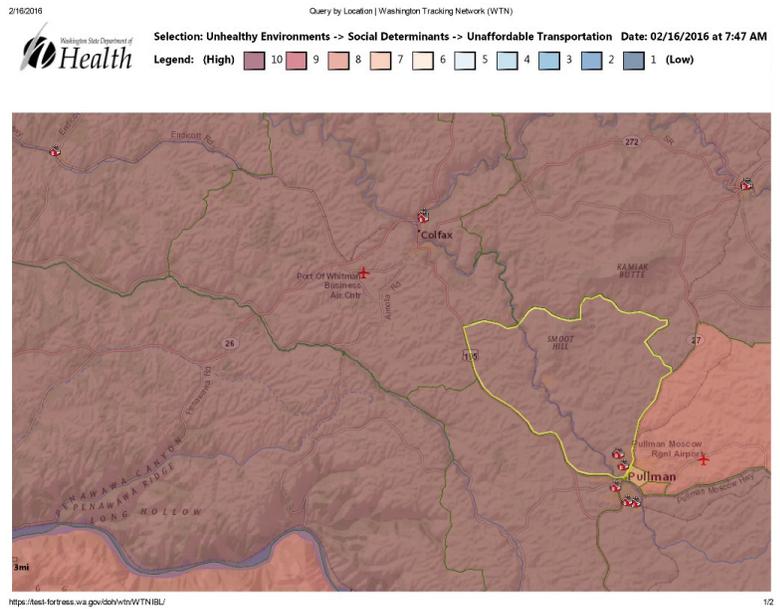
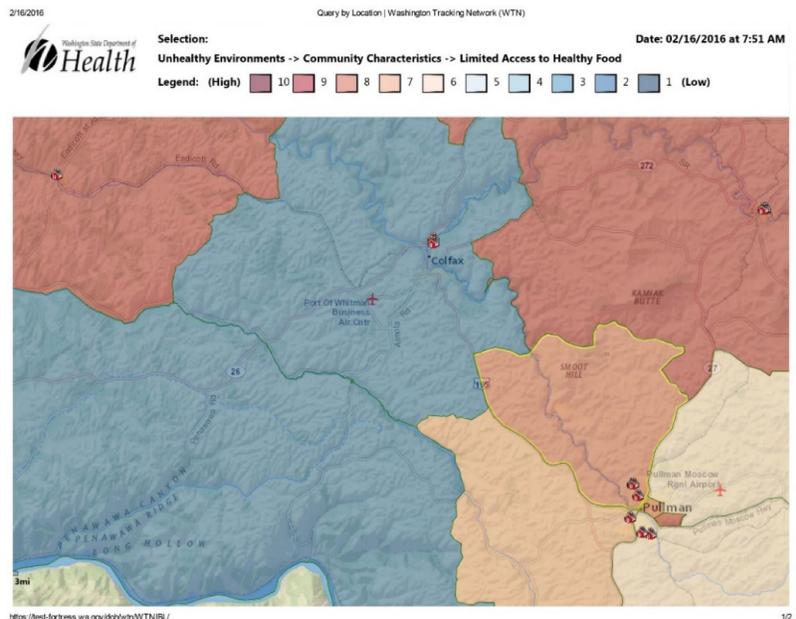


FIGURE 9: LIMITED ACCESS TO HEALTHY FOOD

SOURCE: WASHINGTON STATE DEPARTMENT OF HEALTH, “LIMITED ACCESS TO HEALTHY FOOD,” FEBRUARY 16, 2016



HEALTH and PHYSICAL ACTIVITY

For all people, physical activity alone can improve health conditions and health outcomes. In addition, physical activity can help prevent obesity.

Physical inactivity and obesity are independent risk factors for many of the same diseases, including:

- Cancer
- Joint and bone disease
- Diabetes
- Stroke
- Depression
- Heart disease

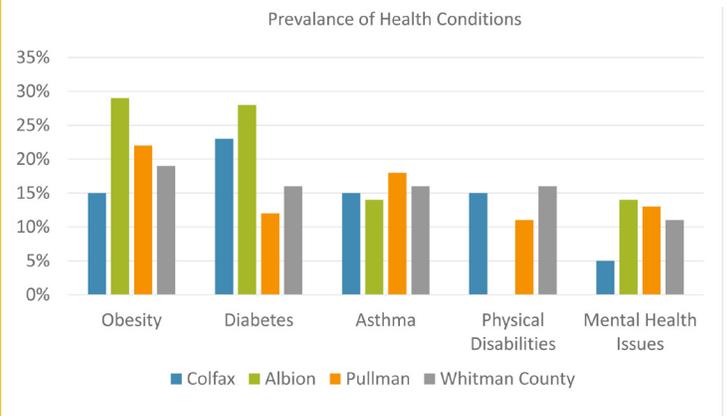
In relation to health conditions, parks and trails can provide benefits to a community, including:

- Increased physical activity**—walkable access to parks and trails motivates people to participate in physical activity and to do so more frequently;
- Improved mental health**—parks and trails can serve as a place for stress reduction;
- Reduced injury**—parks and trails can provide safe spaces for people to play and exercise, away from busy streets and commercial zones.

Source: Centers for Disease Control and Prevention:
https://www.cdc.gov/healthyplaces/parks_trails/default.htm#why_HIA

FIGURE 10: PREVALENCE OF HEALTH CONDITIONS

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015



In the communities along the CAP Corridor, obesity rates are about 10% higher in Albion and 3% higher in Pullman than in Whitman County overall. Diabetes is about 28% in Albion and 23% in Colfax, compared to 16% in Whitman County (Figure 10).

Slightly higher rates of asthma are found in Pullman (18%) than in Whitman County overall (16%) and mental health issues are slightly more prevalent in Albion (14%) and Pullman (13%) than in Whitman County (11%).

Life in poverty in communities along the CAP Corridor is difficult: No public bus service operates outside of Pullman, which makes getting to destinations especially challenging for those without a car or money for gas. Seeking health care can be difficult for those in poverty because they may be ineligible for Medicaid, or if they are eligible, they may be unable to pay deductibles or co-pays, or they may find that many health care providers of medical, dental and mental health care don't accept Medicaid. **Some face the choice between health care and the need to pay rent and/or buy food and clothing.**

There are fewer public health programs available to low-income citizens of Whitman County than there were in the recent past. Along with a 9% uninsured rate, **21% of residents under 18 years old do not have a primary care provider, 42% haven't seen a doctor and 39% have not seen a dentist in the past year.** Data from the Palouse Free Clinic [in Pullman] are the clearest indicators of the needs and limited access to health care suffered by Whitman County residents living in poverty. **Depression and anxiety top the list of presented conditions, followed by asthma, hypertension, migraines, and diabetes.** Among the highest needs clients have are dental, vision, mental health, substance abuse, nutrition, and hearing services.

The Palouse Free Clinic has identified many issues of getting adequate health care including lack of transportation, lack of child care, inability to miss work, embarrassment about seeking care for fear of being judged by others, not entirely trusting the care they are receiving, limited finances, poor access to local specialty care, poor continuum of care, and non-compliance.

SOURCE: PULLMAN LEAGUE OF WOMEN VOTERS, POVERTY STUDY

COMMUNITY CHARACTERISTICS

Community members generally rate the communities along the CAP Corridor as good or excellent places to live (Figure 11), and a mostly good place to raise children (Figure 12); twenty-nine percent of Albion residents rated their community as fair for raising children compared to 8% in Colfax and 7% in Pullman. Three percent of residents rated Pullman as a poor place to raise children, and 1% rated Pullman as very poor.

When asked if they agreed with the statement, “I live in a close-knit neighborhood” (Figure 13), most residents felt neutral, disagreed or strongly disagreed in each community. Twenty-three percent disagreed or strongly disagreed in Colfax, 29% disagreed in Albion and 26% disagreed or strongly disagreed in Pullman.

When rating their community as a place to retire (Figure 14), 23% of Colfax residents responded “fair,” compared to 71% in Albion and 24% in Pullman. Eight percent of Pullman residents rated their community as poor for retirement, while 4% rated Pullman as very poor.

Parks and trails can help provide community interaction and foster better relations among neighbors, creating better social capital for communities.

Source: Centers for Disease Control and Prevention:
https://www.cdc.gov/healthyplaces/parks_trails/default.htm#why_HIA

FIGURE 11: COMMUNITY AS A PLACE TO LIVE

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015

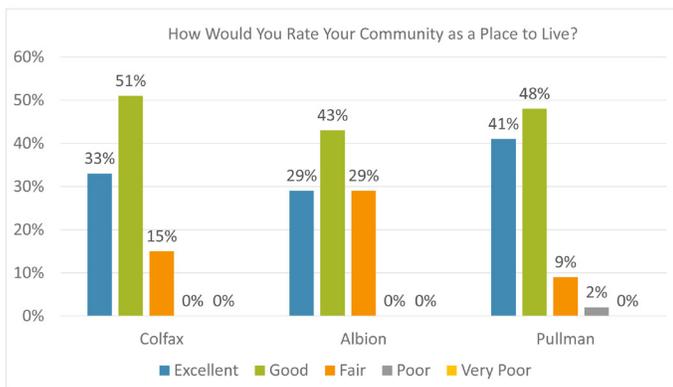


FIGURE 12: COMMUNITY AS A PLACE TO RAISE CHILDREN

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015

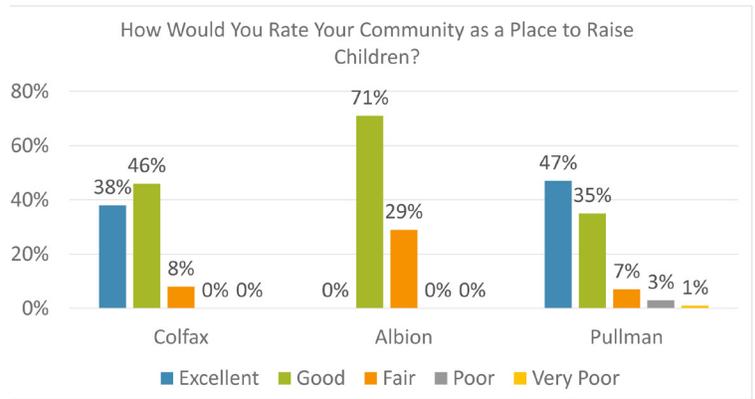


FIGURE 13: CLOSE-KNIT NEIGHBORHOOD

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015

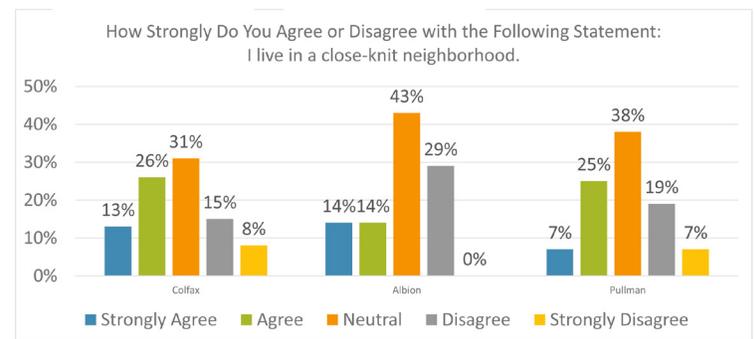
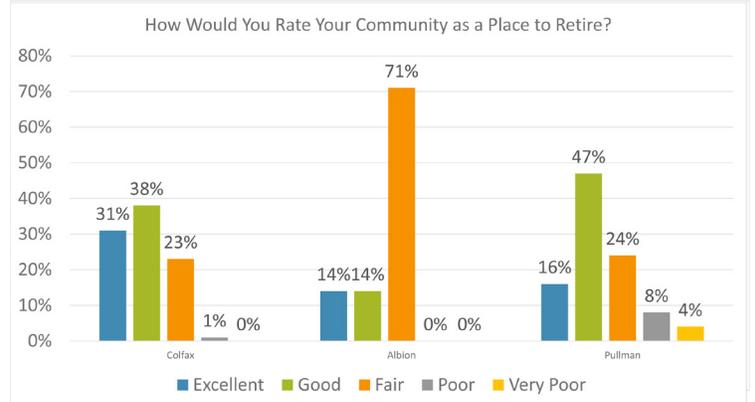


FIGURE 14: PLACE TO RETIRE

SOURCE: WHITMAN COUNTY NEEDS ASSESSMENT 2015



Barney and Gerianne Buckley
4851 S Palouse River Rd
Colfax, WA 99111
Landowners on the PV Hooper Rail Line

Written comments for Planning Commission, 4-21-2021.

We are unable to attend the Zoom meeting on 4-21-2021 and are submitting these comments. Thank you for accepting these comments into the process of updating the Comprehensive Plan.

Regarding general questions on the survey for the update to the Comprehensive plan, we do not support expansion of Parks systems in Whitman County. We observe that the County is stretched financially with the current Parks system. It is a higher priority to keep current Park systems maintained and plan for capital improvements within the system as appropriate.

New trail systems fall under this comment. We are not opposed to trails per se, but any trail must be financially within the means of the County. There is no potential trail that meets this criterion.

Specifically, there is information about the PV Hooper rail line between Colfax and Pullman, operated by Washington State Department of Transportation and the Palouse River Coulee City Rail Authority, that the Planning Commission should know. We believe that the Planning Commission has received many comments supporting a trail in this Rail Corridor. The Pullman Civic Trust has been soliciting, gathering comments and submitting those comments.

We know from personal experience that the Pullman Civic Trust is heavily biased towards a trail, and have made public statements that are incorrect. One that had been repeated, even after the Trust knew the truth, is the statement that the Rail Corridor is public property, owned by the State of Washington and that the property can be easily made into a trail. This untrue statement gives the public false information and impedes their ability to have informed opinions about the feasibility of a trail at this particular location.

Except for a couple of small parcels on the line, the railroad purchased a right of way easement for rail purposes. The landowners have the deeds. This right of way easement was purchased from 1883 to 1885 by the Columbia and Palouse Railroad Company. This is a right of way easement, commonly known as a reversionary easement. The Railroad does not own the real estate. When the railway purpose no longer exists, the easement terminates. This type of railroad property acquisition has been the subject of a 2014 US Supreme Court decision, *Brandt vs US*. That decision stated that the easements were terminated when the rail purpose no longer existed, and if an entity wanted the real estate, the landowners needed to be compensated. A Washington State Supreme Court decision in 1986, *Lawson vs State*, had a similar conclusion.

The right of way easement on the PV Hooper line has been bought by subsequent railroad companies. A former long-term holder of the easement was Union Pacific Railroad and its parent company. Union Pacific sold to WATCO (Palouse River Coulee City Railroad) in the mid 1990's. The State of Washington- Department of Transportation, Palouse River Coulee City Rail Authority, obtained the easement in 2004. The State owns only the physical infrastructure: the rails, ties, spikes and ballast and so on. Extended litigation would occur if the easements were not reverted back to the property owners upon cessation of use of the line for railroad purposes.

In 2016 the Pullman Civic Trust coordinated a Community Workshop to gather ideas on the disposition of the rail corridor. This was moderated by a representative from National Park System. There were many trail proponents, and some landowners in attendance. It became clear that various discussions were guided by facilitators, with select issues discussed, and other issues discouraged. It was apparent that there was a disingenuous attempt to reach a conclusion for conversion of the rail corridor to a trail.

The rail corridor between the City limits of Pullman and Colfax is about 18 miles long with 15 existing bridges that cross the South Fork of the Palouse River. A 16th bridge was destroyed in a fire in 2006 and there has been no rail traffic on that line since. Conversion of bridges to trail use on other lines have proven very expensive. Several of our bridges are 300 feet or longer, some with curves, and many 20 to 30 feet above the river surface. Replacing the destroyed bridge on the PV Hooper line could cost millions of dollars. The rail corridor winds near to or next to the river bank. Most of the corridor is surrounded by private property. Much of the adjoining land is agricultural. Some of it is active pasture. There are limited access points to the rail from public property.

Adjacent landowners deal with lack of upkeep of fencing on the rail line, poor weed control that affects the landowner's property, and legal crossing issues. These issues have occurred with the rail companies and the landowners are concerned that these issues would continue if the line became a trail. Landowners have had ongoing problems with trespassers. Violators trespass onto the rail, then often continue to trespass onto the adjoining private property.

These points detail historical issues and current problems that bring us to the conclusion that a trail in this corridor is fiscally unviable and presents daunting environmental issues. We do not believe that any responsible entity could move forward with a trail idea. We oppose any action towards a trail on the PV Hooper corridor.

Thank You very much for the opportunity to submit these comments to the Planning Commission.