

May 11, 2022

Port of Columbia
1 Port Way
Dayton, Washington 99328

ATTN: Jennie Dickinson, Executive Director

RE: Touchet Valley Trail Information

Dear Jennie:

This letter has been prepared as a response to your request to provide information that would address concerns raised at the Port of Columbia (Port) Commissioner's meeting on April 12, 2022. Many of the concerns raised at the Commissioner's meeting fall outside of the engineering scope of the project, such as comments related to homelessness, vandalism, right to farm, crop spraying, etc. The following information is provided to help address concerns related to the design of the project and grant funding through the Washington State Recreation and Conservation Office (RCO) and Washington State Department of Transportation (WSDOT):

- A concern was raised about the anticipated maintenance costs as presented.

Members of the trail steering committee researched typical maintenance costs by contacting other agencies and trail operators in the region. The typical costs experienced by other regional trails were then used by the steering committee to create an estimate of maintenance costs for the Touchet Valley Trail adjusted for types of amenities and trail length.

- As part of the maintenance cost discussion, a concern related to the maintenance and upkeep of proposed restrooms along the trail was raised.

To minimize the amount of maintenance and upkeep of restrooms along the trail, the design includes a single restroom at the trailhead at Lewis and Clark Trail State Park and shelters for rented portable toilets at the Waitsburg and Blue Mountain Station trailheads. In discussions with the State Parks Department, the restroom at the Lewis and Clark Trail State Park would be maintained by the State Park Department, as they already maintain an existing restroom at this location. The shelters at the other trailheads would provide a convenient, established location for rented portable toilets during certain times of the year or events, should the Port choose to utilize that option.

- Concerns about the requirement for snow removal and/or liability of not removing snow from the trail was raised during the maintenance discussion.

Snow removal is not typically performed on the regional trails that the steering committee has been in contact with. Liability related to the trail in general, snow removal included, is covered through RCW 4.24.200 whose purpose is to “encourage owners or others in lawful possession and control of land and water areas or channels to make them available to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.”

- A concern about property ownership was raised related to the ownership of the right-of-way along the railroad. Specifically, the 30-percent design plans had property owner names within the right-of-way at three locations along the trail.

These property owner names were mislabeled on the 30-percent design plans. Columbia County GIS information was used to label properties to provide clarity on the ownership adjacent to the trail. GIS property maps, such as the one available from Columbia County, are an approximation of property lines and are not as accurate as a survey map prepared using title information and survey research. Anderson Perry & Associates, Inc. (AP) has reviewed hundreds of documents throughout the process of defining the right-of-way and Port ownership of the property and can confirm that the Port owns the right-of-way along the length of the trail outside of Waitsburg and Dayton. The stray property owner labels will be removed from future plans. In addition, a memo detailing the research completed and plan sheets showing the Port’s ownership will be provided as part of the design package.

- Concerns related to the WSDOT grant funding included how a lack of matching funds would negatively affect the grant, expenses prior to the grant not being eligible for reimbursement, grant funding only covering construction costs, additional requirements now that a portion of the trail is proposed in WSDOT right-of-way, and the requirement for the project to be on the WSDOT Statewide Transportation Improvement Program (STIP) plan.

The current WSDOT grant opportunity does not require a match and matching funds will not be considered in the review criteria for requests of \$800,000 or less. However, as mentioned during the Commissioner's meeting, review criteria for applications requesting over \$800,000 will include a consideration of matching funds. Projects for cities/towns or census designated places within county or Tribal jurisdictions that have a population of 10,000 or less will be compared to other projects that serve similar size communities. Funding match is one part of five total considerations in the deliverability section of the grant; the deliverability section of the grant is only worth 12 percent of the scoring making the local match a very small consideration in the overall grant. WSDOT staff have encouraged the Port to apply for construction funding regardless of availability of matching funds as this project has region wide benefits, support from multiple agencies in the region and will be compared to projects from other small

communities with limited ability to provide a match. The WSDOT Regional Planning Engineer (Paul Gonseth) is an active member of the Touchet Valley Trail (TVT) Steering Committee and was also on the Dayton Main Street Safety Action Plan (MSSAP) Committee that developed conceptual designs within the WSDOT right-of-way. The MSSAP plan was approved by the City of Dayton and the WSDOT Planning Engineer. Further, the WSDOT Planning Engineer had agreed to provide a letter of support from WSDOT for the project within the WSDOT right-of-way. The 90-percent design is funded by a previous bicycle and pedestrian program WSDOT grant and the final 10-percent would be funded by the current grant opportunity that would include final design and construction funds. This scenario has been discussed with and endorsed by WSDOT funding staff. Expenditures would not be made until the construction grant funds are secured. The grant program requirements specifically state that local agencies, with projects selected for funding will be responsible for including the project in the STIP prior to the obligation of funding. Obligation of funding will not occur until after award announcements are made in June 2023, giving agencies over 1 year to place projects on the STIP.

- Many concerns were raised about RCO grant funding and the long-term impacts to Port property, especially related to the future railroad use. More specifically, several concerns were raised that include any part of the trail project in an RCO grant would bring all of the railroad property under the terms of the RCO grant, which preclude many uses and require the property to remain as recreational use in perpetuity.

During our research into grant funding possibilities, AP discussed the trail project and possibility of RCO grant funding with Allison Greene, RCO Outdoor Grant Manager. Specific discussion included identifying the project area and how that would relate to the continued railroad operation. Her guidance to us was that the grants allow for project areas to be defined within properties to allow for split uses in different areas of those properties. In our discussions with Allison, it was clear that the project with a trail alongside the railroad would be a consideration for grant funding.

Related to the concern about project area, RCO has a template that each project is to use when developing the long-term obligation for each specific project. Within this template, Section 25 Long-Term Obligations of the Projects and Sponsors, Page 34 of 50, Paragraph b. states that "The RCO requires that the project area continue to function for the purpose for which these grant funds were approved, in perpetuity." This statement "project area" can be the entire parcel or it can be limited to a specific portion of a parcel. The language of the template, Section 25 Long-Term Obligations of the Projects and Sponsors, Page 34 of 50, Paragraph c. "All real property or facilities acquired, developed, renovated and/or restored with funding assistance shall remain in the same ownership and in public use/access status in perpetuity unless otherwise expressly provided in the Agreement or applicable policies or unless a transfer or change in use is approved by the RCO through an amendment." The practical application of this statement is used in the preparation of the agreement between the Sponsor and RCO. This language applies to the identified "project area" and that if another use on that same parcel is

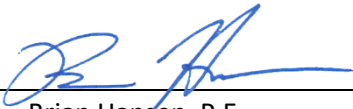
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"expressly identified" in the agreement; for example, agriculture/railroad operation in a different location on that same parcel the prevention of that use is not applicable.

If you have any specific questions related to the trail design or future grant funding opportunities, please let us know. We are happy to discuss at any time.

Sincerely,

ANDERSON PERRY & ASSOCIATES, INC.

By  _____
Brian Hansen, P.E.

BH/aw

cc: File No. 7008-621-02

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