

SOUND TRANSIT NOTIFIES OWNERS OF POTENTIAL IMPACTS, READIES ENVIRONMENTAL REVIEW

Sound Transit recently sent notices to approximately 1400 properties that could be impacted by construction of the future Ballard and West Seattle Link light rail extensions related to its release of a [Draft Environmental Impact Statement](#) (the “DEIS”) for the future Ballard-West Seattle Link light rail extension.

Many urban property owners, builders, managers and tenants may wonder how the Project could impact their sites and their proposed developments.

State law grants Sound Transit powers of eminent domain to create transit corridors and to house supporting facilities. But while this provides Sound Transit with a powerful tool for acquiring needed rights-of-way, not every condemnation by Sound Transit is a permanent taking of “fee simple” real property. Sound Transit frequently condemns term-limited leases, licenses, and easements for construction, crane swings, shoring, staging, access, maintenance and even contractor parking. Whatever property interest is taken, the agency must provide just compensation, and must honor an array of formal processes and procedures designed to protect the interests of owners and tenants. For this reason, Sound Transit generally attempts to reduce its transaction costs and timelines by entering “voluntary” negotiations rather than undertaking the complex condemnation process.

Sound Transit’s acquisition process usually operates on an extended, path-dependent timeline, and in most instances the agency probably will not take substantial steps toward completing West Seattle or Ballard property acquisitions until at least 2023. However, in some past instances the Sound Transit Board has approved the early “protective acquisition” of private property where it finds that a notable property development could preclude one of its likely project alternatives. See, e.g., Sound Transit Resolution R2017-26 (authorizing acquisition prior to environmental review or project development “because of the threat of imminent development”).

Proactive private property owners may wish to engage with Sound Transit staff through the planning process to protect their interests. They may consider responding in writing to notices received from Sound Transit, submitting comments on the DEIS, and conducting formal meetings with Sound Transit real estate acquisition staff, or submitting formal comments on environmental documents within the required time periods.

The Land Use and Real Estate attorneys at Hillis, Clark, Martin & Peterson have intimate knowledge of the Seattle Municipal Code and years of experience dealing with Sound Transit. Please contact us if we can assist you in developing and executing a strategy to proactively prepare for the approach of new transit infrastructure or other changes to your property.



JOSHUA FRIEDMANN | Attorney

josh.friedmann@hcmp.com
206.470.7655 | [See bio](#)



AMIT RANADE | Attorney

amit.ranade@hcmp.com
206.470.7657 | [See bio](#)



ABIGAIL PEARL DEWEESE | Attorney

abigail.deweese@hcmp.com
206.470.7651 | [See bio](#)

DISCLAIMER

The information contained in this update is provided for informational purposes only. It is not business, legal, accounting, tax, financial, investment or other advice on any matter and may not be relied upon as such. Please contact your attorney to obtain advice regarding any particular legal matter.