

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2009-12

**Property Acquisition for the Sounder Commuter Rail
D to M Street Track and Signal Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	6/4/09	Discussion/Possible Action to Recommend Board Approval	Ahmad Fazel, Link Executive Director	(206) 398-5389
Board	6/11/09	Action	Jim Edwards Director of Capital Projects Don Vogt, Senior Real Estate Representative	(206) 398-5436 (206) 689-3396

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	✓

PROJECT NAME

Sounder Commuter Rail D to M Street Track and Signal Project

PROPOSED ACTION

Authorizes the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction of the Sounder Commuter Rail D to M Street Track and Signal Project.

KEY FEATURES of PROPOSED ACTION

- The proposed action authorizes the acquisition of three parcels for the Sounder Commuter Rail D to M Street Project. These property acquisitions include temporary construction easements (TCE).
- These additional parcels have been identified during final design for the revised alignment.
- The parcels and property interests are described in Exhibit A to this Resolution.

BUDGET IMPACT SUMMARY

Current Project Phase: FD
Projected Completion Date: 2012

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

The Adopted 2009 Capital Budget for the project is \$101,024,555. Within that budget, \$47,257,085 has been budgeted in the right of way phase with \$25,517,174 committed through March 31, 2009. The acquisition costs of specific parcels are appropriate for discussion with Board members in Executive Session.

In December 2007, the Board selected the Alternative 3 Modified – Grade-Separated alternative alignment for this project. The selection of this alternative created a budget shortfall. The shortfall will require outside funding, with possible funding coming from grants, partnerships with WSDOT, Amtrak and other parties that also benefit from this project. However, the proposed action is consistent with the current board-adopted budget, and is affordable within the agency's long-term financial plan and subarea financial capacity. The action will have no new revenue impact on Sound Transit.

BUDGET TABLE

Summary for Board Action (Year of Expenditure \$000)

Project: 135 - D Street - M Street Track & Signal

	2009 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	\$ 4,111	\$ 4,111	\$ -	\$ 4,111	\$ -
Preliminary Engineering	\$ 1,745	\$ 1,714	\$ -	\$ 1,714	\$ 31
Final Design	\$ 14,886	\$ 10,418	\$ -	\$ 10,418	\$ 4,468
Right of Way	\$ 47,257	\$ 25,517	\$ -	\$ 25,517	\$ 21,740
Construction	\$ 11,572	\$ 133	\$ -	\$ 133	\$ 11,439
Vehicles	\$ 8,953	\$ 8,953	\$ -	\$ 8,953	\$ -
Contingency	\$ 12,500	\$ -	\$ -	\$ -	\$ 12,500
Total Current Budget	\$ 101,025	\$ 50,846	\$ -	\$ 50,846	\$ 50,178

Notes:

¹ Project budget is located on page 126 of the Adopted 2009 Budget book. The 2009 Budget was adopted by the Board on December 11, 2008.

² Committed to date amount includes actual outlays and commitments through March 31, 2009.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Pursuant to Sound Move, Sound Transit proposes to design, build and operate the Sounder Commuter Rail system between Tacoma and Lakewood, Washington. The proposed improvements include a new rail connection beginning at East D Street, immediately west of the Tacoma Dome Station, and extending to the existing BNSF track north of Tacoma Avenue South.

As a result of community interest in the route for the D to M section of the Tacoma to Lakewood Sounder line, the Board authorized consideration of various alternative alignments for this segment in April 2006. Initially, it had been contemplated that the alignment would run primarily in public right of way. However, as further design alternatives were considered, Alternative 3 Modified, which provided for a grade-separated crossing of Pacific Avenue emerged as the alignment preferred by the community, and this option was endorsed by the Tacoma City Council. The Board directed staff in February 2007 to conduct a feasibility study of this alignment, and the Board approved it on December 13, 2007. As a result of that action, additional parcels have been identified as being necessary to acquire for the project. The Board had previously authorized acquisitions in this corridor. Now that final design is underway, additional real estate

interests in other parcels that need to be acquired have been identified. A complete description of these parcels is listed in Exhibit A to this proposed Resolution No. R2009-12.

In compliance with the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA), the Federal Transit Administration (FTA) and Sound Transit prepared and issued a Final Environmental Impact Statement (FEIS) for the Lakewood to Tacoma Commuter Rail and SR-512 Park and Ride Expansion in May 2002 which covered the proposed locations for the two commuter rail stations in South Tacoma and Lakewood, track and signal improvements and extensions from Tacoma to Lakewood, and a new layover yard at Camp Murray. A Record of Decision was issued by FTA in December 2002. On November 28, 2007, FTA approved a NEPA Reevaluation which evaluated the impacts of a new alignment in the D to M Street segment in Tacoma (Modified Alternative 3 with a grade separated railroad bridge at Pacific in Tacoma). In compliance with SEPA, a SEPA Addendum was issued on December 4, 2007 which also evaluated the impacts of Modified Alternative 3. This is the alignment to be constructed by Sound Transit. The SEPA Addendum and NEPA Reevaluation for Modified Alternative 3 disclosed and evaluated impacts on additional properties not affected as a part of the alternatives studied in the previous EIS. NEPA and SEPA documentation and approvals are complete for the set of proposed Lakewood to Tacoma commuter rail improvements authorized to date by the Sound Transit Board. The request for authorization of property rights in this staff report is intended to acquire temporary construction easements (TCEs) and other similar easement rights. The type and range of impacts anticipated from the project in regard to the parcels identified in this staff report have been disclosed in the previous NEPA/SEPA environmental documentation.

Prior Board/Committee Actions

Motion/Resolution Number and Date	Summary of Action
R2009-08 4/23/2009	Authorizing the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Sounder Commuter Rail D to M Street Track & Signal Project
R2008-13 11/13/2008	Authorizing the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Sounder Commuter Rail D to M Street Track & Signal Project.
R2008-02 2/14/2008	Authorizing the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Commuter Rail D to M Street Track & Signal project
R2003-13 6/26/2003	Acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the construction of the Lakewood and South Tacoma Commuter Rail Stations, the new Lakewood Connector railroad line to be constructed from D Street to M Street in Tacoma, and the Layover Yard at Camp Murray, and to execute all documents necessary to convey certain of those interests to the City of Tacoma

CONSEQUENCES of DELAY

Timely approval of acquisitions is essential to meet project deadlines.

PUBLIC INVOLVEMENT

During the period beginning February 2006 (when Sound Transit began to study the feasibility of different alternatives for the D to M Street segment) and December 2007 (when the route to be constructed was confirmed), extensive community outreach was conducted to community and neighborhood groups,

individual property and business owners, community stakeholders and residents. Activities included the following:

- Community and neighborhood groups were briefed at each juncture of the project and as new alternatives were introduced.
- Public open house and workshops regarding D-M alternatives were held October 2006 and November 2007.
- Staff participated in American Institute of Architects sponsored D-M design workshops in September 2006.
- Project update letters were sent to community contacts (stakeholders, adjacent and impacted businesses/property owner) in April 2006 and July 2007.
- Individual meetings with potentially impacted business/property owners and adjacent businesses were held in February/March 2006, May/June 2006 and April/May 2007. Real Estate staff participated in the April/May 2007 meetings to address any preliminary questions about the potential acquisition process.
- A letter was sent to community contacts in January 2008 informing stakeholders, businesses and property owners of the Board's decision on the route. A map of the route and Board motion was included.
- In compliance with state legislation regarding public notification, Sound Transit has mailed certified letters to property owners affected by this action. Legal notices of this proposed Board action also have been published in the Tacoma area newspapers.

ENVIRONMENTAL COMPLIANCE

SSK 5-19-09

LEGAL REVIEW

LA 5/29/09