



Motion No. M2022-90

Amendment to the Tacoma Link Joint Operating Agreement

| Meeting: | Date: | Type of action: | Staff contact: |
|---|------------|--------------------|---|
| Rider Experience and Operations Committee | 12/01/2022 | Recommend to Board | Ron Lewis, DECM Executive Director |
| Board | 12/15/2022 | Final action | Robert Blackburn, Tacoma Link Operations Director Project Director, Madeleine Greathouse Cristina Fonseca, Project Manager |

Proposed action

(1) Authorizes the chief executive officer to execute an amendment to the Joint Operating Agreement with the City of Tacoma for the Hilltop Tacoma Link Extension; and (2) ratifies the Memorandum of Understanding with the City of Tacoma for waiver of mutual non-payment for services under the Joint Operating Agreement.

Key features summary

- The Tacoma Link Joint Operating Agreement is an operations & maintenance agreement with the City of Tacoma which defines the day-to-day operating procedures with the Right of Use area between Sound Transit and the City of Tacoma.
- This amendment provides additional guidelines for operations and maintenance of elements on the alignment performed by both Sound Transit and the City of Tacoma as the alignment extends to the Hilltop neighborhood.
- Key changes for this amendment include the following:
 - Updating the name of Commerce Street Station to the Theater District Station in the agreement;
 - Coordination between Tacoma Link Service and City of Tacoma Solid Waste Management;
 - Right-of-way streetlight maintenance;
 - Materials used for snow removal and deicing;
 - Street sweeping along the track line;
 - Tree trimming guidelines along the right-of-way;
 - Signal timing maintenance;
 - Reimbursement process for Theater District Station (formerly known as Commerce St. Station) maintenance and Signal Maintenance
- The amendment continues to provide for the City of Tacoma to reimburse Sound Transit for annual maintenance costs for the Theater District Station (formerly known as Commerce Street Station).

Starting in 2023, the annual cost estimate for the maintenance of the Theater District Station is \$31,000.

- The amendment also continues to require Sound Transit to reimburse the City of Tacoma for ongoing signal maintenance related to the operation of Tacoma Link in city right of way. Starting in 2023, the annual cost estimate for routine signal maintenance is \$61,388. In addition, Sound Transit will reimburse the City of Tacoma the actual cost for signal call-outs (City Signal Shop crew is called in an emergency to re-establish signal controls) and the annual cost estimate is approximately \$41,824.
- Beginning in 2011, both parties should have been invoicing each other for maintenance costs associated with the Theater District Station (Sound Transit) and signal maintenance (Tacoma). Due to mutual administrative oversights, neither party submitted invoices for maintenance 2011. Beginning in 2011, the estimated maintenance cost owed to Sound Transit by the City of Tacoma is \$151,792. Over the same period, the estimated maintenance cost by Sound Transit to the City of Tacoma is \$217,680.
- The provisions related to Sound Transit maintenance and invoicing were modified to align with current tracking work order methods to correct administrative issues which resulted in the oversight.
- Sound Transit staff and the City of Tacoma agreed to waive past non-payment of maintenance costs under the existing Joint Operating Agreement in April 2022. An administrative error resulted in execution of the waiver without Board approval, which exceeded the authority granted by the Board’s Procurement, Agreements, and Delegated Authority policy (Resolution No. R2018-40) and requires Board ratification.
- The Tacoma City Council is expected to vote on this amendment in the coming months.

Background

The Hilltop Tacoma Link Extension is a 2.4 mile extension of light rail from the Theater District in downtown to the Hilltop neighborhood in Tacoma. The extension will travel at-grade, in-street with traffic along Stadium Way, North 1st Street, Division Avenue, and Martin Luther King Jr. Way. The project includes seven new stations, relocates the Theater District Station, expands the existing Tacoma Operations and Maintenance Facility (OMF), and provides for additional light rail vehicles.

On July 28, 2011 the Board approved the Tacoma Link Operating Agreement between Sound Transit and the City of Tacoma. The agreement addresses guidelines regarding joint operations and use of and within the portion of the City’s right-of-way. This amendment provides additional operating and maintenance guidelines as the alignment extends to Hilltop neighborhood.

Revenue service for the extension is forecast for Q1 2023.

Project status

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| Project Identification | Alternatives Identification | Conceptual Engineering/ Draft EIS | Preliminary Engineering/ Final EIS | Final Design | Construction |

Projected completion date for Construction: Q4 2022

Project scope, schedule and budget summary are located on page 62 of the September 2022 Agency Progress Report.

Fiscal information

Under the Joint Operating Agreement between Sound Transit and the City of Tacoma, Sound Transit will continue to maintain the Theater District Station (formerly known as the Commerce Street Station) and reimburse the City of Tacoma for ongoing signal maintenance related to the operation of Tacoma Link in city right of way. In addition, Sound Transit will reimburse the City of Tacoma for actual cost of signal call-outs.

Pending the approval of the 2023 budget, the 2023 Services category within the Operations department's annual operating budget is \$55,910,526 of which \$72,212 (includes reimbursements from both parties) is estimated to be spent from this action in 2023. After the approval of this action, the remaining annual budget amount will be used to fund other departmental expenditures anticipated in 2023.

Funding for the additional years of the agreement is forecast in the long-range financial plan and will be included in future annual budget requests. This action does not impact affordability.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Not applicable to this action.

Time constraints

A one-month delay could significantly affect the project because this amendment must be executed prior to the HTLE Project Pre-Revenue Service phase, which is anticipated in January 2023.

Prior Board/Committee actions

Motion No. M2011-52: Authorized the chief executive officer to both execute an Operating Agreement and amend the Right of Use Agreement with the City of Tacoma to add a Tacoma Link station located between the Convention Center Station and the Theatre District Station.

Motion No. M2000-127: Authorized the Executive Director to execute an agreement with the City of Tacoma granting Sound Transit the right to use Tacoma public rights of way for the construction, operation and maintenance of the Link Light Rail system.

Environmental review – KH 11/22/22

Legal review – MT 11/23/22



Motion No. M2022-90

A motion of the Board of the Central Puget Sound Regional Transit Authority (1) Authorizing the chief executive officer to execute an amendment to the Joint Operating Agreement with the City of Tacoma for the Hilltop Tacoma Link Extension; and (2) ratifying the Memorandum of Understanding with the City of Tacoma for waiver of mutual non-payment for services under the Joint Operating Agreement.

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- Right-of-way streetlight maintenance;
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The amendment continues to provide for the City of Tacoma to reimburse Sound Transit for annual maintenance costs for the Theater District Station (formerly known as Commerce Street Station). Starting in 2023, the annual cost estimate for the maintenance of the Theater District Station is \$31,000.

The amendment also continues to require Sound Transit to reimburse the City of Tacoma for ongoing signal maintenance related to the operation of Tacoma Link in city right of way. Starting in 2023, the annual cost estimate for routine signal maintenance is \$61,388. In addition, Sound Transit will reimburse the City of Tacoma the actual cost for signal call-outs (City Signal Shop crew is called in an emergency to re-establish signal controls) and the annual cost estimate is approximately \$41,824.

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The provisions related to Sound Transit maintenance and invoicing were modified to align with current tracking work order methods to correct administrative issues which resulted in the oversight.

Sound Transit staff and the City of Tacoma agreed to waive past non-payment of maintenance costs under the existing Joint Operating Agreement in April 2022. An administrative error resulted in execution of the waiver without Board approval, which exceeded the authority granted by the Board's Procurement, Agreements, and Delegated Authority policy (Resolution No. R2018-40) and requires Board ratification.

The Tacoma City Council is expected to vote on this amendment in the coming months.

Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that (1) the chief executive officer is authorized to execute an amendment to the Joint Operating Agreement with the City of Tacoma for the Hilltop Tacoma Link Extension; and (2) the Memorandum of Understanding with the City of Tacoma for waiver of mutual non-payment for services under the Joint Operating Agreement is ratified.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 15, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator