

**STAFF REPORT**

**SOUND TRANSIT  
MOTION NO. M2000-123**

**Execution of a "Property Construction Agreement" between Sound Transit  
And the City of Tacoma for Sounder Commuter Rail**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Executive Committee	12/1/00	Discussion/Possible Action to Recommend Board Approval Action	Paul W. Price, Director	(206) 398-5111
Board	12/14/00			

**PROPOSED ACTION**

Authorizes the Executive Director to execute a "Property Construction Agreement" between Sound Transit and the City of Tacoma regarding the construction of an interconnection (including switches, track, and signals) between the Burlington Northern Santa Fe Railway mainline track and the Tacoma Rail Mountain Division at Reservation Junction. This Agreement grants access to, and allows Sound Transit or its agents to make improvements to, property owned by the City of Tacoma.

**KEY FEATURES**

**Highlights of Proposed Action:**

- ◆ Grants Sound Transit access and rights to construct an essential connection between the Burlington Northern Santa Fe Railway (BNSF) at Reservation Junction and the Tacoma Rail Mountain Division.
- ◆ Is a companion to the Commuter Rail Agreement with the City of Tacoma for the construction and operation of commuter rail facilities along a 1.3 mile section of the Tacoma Rail Mountain Division (Motion No. M2000-122).
- ◆ Anticipates a future License Agreement for the long-term use by Sound Transit of Tacoma Rail.

**Discussion of Proposed Action:**

On September 18, 2000 the Sounder Commuter Rail system began revenue operations. While three round-trips had been planned for the entire eighteen months leading up to the service launch, the original expectation on the part of Sound Transit (ST) and the Burlington Northern Santa Fe Railway (BNSF) was that commuter service in Tacoma would serve the planned permanent station site adjacent to the Tacoma Dome Station and Freighthouse Square. In the last eight months leading up to service launch, it became clear that ST would be unable either to gain access to the Tacoma Rail tracks to the Tacoma Dome Station, or to build a connection between the BNSF mainline at Reservation Junction and the Tacoma Rail Mountain Division.

This led to the requirement that service would be launched from a temporary station location, with the best choice being the BNSF freight yard near the existing Tacoma Amtrak Station. Though the BNSF/ST operating agreement did not require that BNSF allow Sounder to begin service from anywhere but the permanent site, they consented to ST's use of their freight yard.

Meanwhile, ST and the City of Tacoma have been negotiating in good faith to reach an agreement that grants ST access to City of Tacoma property in order to construct the connection between the BNSF mainline at Reservation Junction to the Tacoma Rail Mountain Division. The agreement grants ST access to the City property.

The Agreement:

- Accommodates ST so ST can achieve its construction and operation schedule for the Tacoma-to-Seattle corridor,
- Does not authorize the provision of any services,
- Transfers to the City of Tacoma free and clear all improvements constructed upon City property,
- Grants access to ST for construction of the BNSF/Tacoma Rail connection at no cost, and
- Makes ST responsible for remedial action on the property necessitated as a result of construction activity.

## **BUDGET**

This Agreement has no costs directly associated with it, nor any budgetary impacts in and of itself. It includes no payments to the City of Tacoma. It grants access for a major capital improvement already approved by the ST Board through Resolution No. R99-22, "Operating and Capital Agreement with Burlington Northern and Santa Fe Railway for the Seattle-to-Tacoma Commuter Rail System" (August 26, 1999).

The only new costs to Sound Transit associated with the agreement are related to additional insurance required by the City of Tacoma.

## **ALTERNATIVES**

- 1) No Action: Do not approve the agreement.

Not Recommended: After many months of negotiations, staff believes this Agreement is a fair and workable approach to constructing the essential connection between the BNSF and Tacoma Rail.

- 2) Delay: Hold off on approving this agreement.

Not Recommended: The Board and staff have heard from Tacoma riders that the temporary station facility is inadequate. This Agreement helps to accomplish one necessary step to operating from a permanent Tacoma Station.

- 3) Direct staff to renegotiate a new or refined agreement.

Not Recommended: Additional or prolonged negotiations are unlikely to result in an Agreement with more favorable outcomes for ST.

## **CONSEQUENCES OF DELAY**

The only significant consequence to delaying execution of the Agreement is a resulting delay to the relocation of commuter rail service to a permanent Tacoma Dome station. While such delays are undesirable, they can be accommodated should the Board require more time or information to reach a decision.

## **REGIONAL PARTNERSHIP AND COOPERATION**

The proposed Agreement represents a significant cooperative effort on the part of ST and the City of Tacoma to achieve the long-term objectives of Sound Move and to improve service for Sounder Commuter Rail riders.

## **PUBLIC INVOLVEMENT**

This Agreement has not been the subject of any specific public outreach. However, the selection of the Tacoma Dome/Freighthouse Square location as the Preferred Alternative for a Tacoma commuter rail station occurred in the context of the Environmental Assessment for the project. That process included an extensive public outreach effort, including public hearings, in which ST and the City of Tacoma cooperated.

## **LEGAL REVIEW**

JLG 11/20/00

## SOUND TRANSIT

### MOTION NO. M2000-123

A motion of the Board of Directors of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a "Property Construction Agreement" between Sound Transit and the City of Tacoma regarding the construction of an interconnection (including switches, track, and signals) between the Burlington Northern Santa Fe Railway mainline and the Tacoma Rail Mountain Division at Reservation Junction. This agreement grants access to, and allows Sound Transit or its agents to make improvements to, property owned by the City of Tacoma.

#### **Background:**

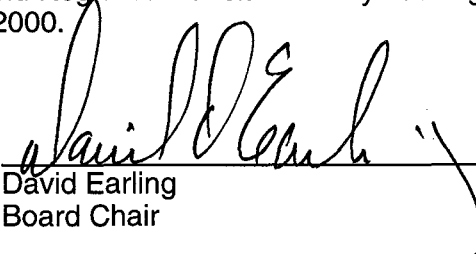
On September 18, 2000 the Sounder Commuter Rail system began revenue operations. In the last eight months leading up to service launch, it became clear that Sound Transit (ST) would be unable either to gain access to the Tacoma Rail tracks to the Tacoma Dome Station, or to build a connection between the Burlington Northern Santa Fe (BNSF) mainline at Reservation Junction and the Tacoma Rail Mountain Division. This led to the requirement that service would be launched from a temporary station location, with the best choice being the BNSF freight yard near the existing Tacoma Amtrak Station. Though the BNSF/ST operating agreement did not require that BNSF allow Sounder to begin service from anywhere but the permanent site, they consented to ST's use of their freight yard.

Meanwhile, ST and the City of Tacoma have been negotiating in good faith to reach an agreement that grants ST access to City of Tacoma property in order to construct the essential connection from the BNSF mainline at Reservation Junction to the Tacoma Rail Mountain Division. The agreement grants ST access to the City of Tacoma property.


#### **Motion:**

It is hereby moved by the Board of Directors of the Central Puget Sound Regional Transit Authority that the Executive Director execute a "Property Construction Agreement" between Sound Transit and the City of Tacoma regarding the construction of an interconnection (including switches, track, and signals) between the Burlington Northern Santa Fe Railway mainline track and the Tacoma Rail Mountain Division at Reservation Junction. This Agreement grants access to, and allows Sound Transit or its agents to make improvements to, property owned by the City of Tacoma.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 14<sup>th</sup> day of December, 2000.

  
David Earling  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator