

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2002-40

Amended Commuter Rail Agreement between Sound Transit and the City of Tacoma for the improvement, construction, and joint use by Sounder of the City's rail facilities.

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Board	4/25/02	Discussion/Possible Action	David P. Beal, Program Manager	(206) 398-5124

OBJECTIVE OF ACTION

- To enter into an amended agreement with the City of Tacoma for the upgrade, construction and joint use of the rail facilities located on the City of Tacoma's rail right of way.

ACTION

- Authorize the Executive Director to execute an amendment to the Commuter Rail Agreement between Sound Transit and the City of Tacoma for the upgrade, construction and joint use of the rail facilities located on the City of Tacoma's rail right of way for purposes of providing Sounder Commuter Rail Service to the Tacoma Dome Station.

KEY FEATURES

Major features of the original Commuter Rail Agreement, executed in January 2001, have not changed. The highlights of the original agreement that are unchanged include the following:

- The granting to Sound Transit of access to 1.3 miles of Tacoma Rail Mountain Division rail facilities from the Reservation Connection with the Burlington Northern Santa Fe (BNSF) mainline to the Tacoma Dome/Freighthouse Square area.
- The provision for a companion property construction agreement allowing Sound Transit to construct an essential track connection between Tacoma Rail and the BNSF mainline at Reservation Junction.
- The anticipation of a number of other related agreements needed for the construction of all future required elements and for the perpetual use of the rail corridor.
- That Sound Transit employ its "best efforts" to implement and complete construction of the second track within five (5) years.
- That Sound Transit establish a separate account dedicated to the completion of the second track configuration. All Sounder cost savings realized within Pierce County will be placed in this dedicated fund, as will 75% of any cost savings achieved during the implementation of Tacoma Link Light Rail Project.
- The provision that in the event that Sound Transit does not complete construction of a second track within 5 years, Sound Transit will begin paying to the City of Tacoma a "Use Fee."
- An allowance for the use of the Sounder Tacoma Dome Station for the City's proposed Train to the Mountain, provided such use does not impact commuter operations.
- The continuity of BNSF dispatching over the City's track.

The main features of the proposed amended agreement include the following:

- A revised alignment for the second track that eliminates an at-grade crossing of Portland Avenue, simplifies the track connection at Reservation Junction, and allows for the construction of a smaller temporary layover yard.
- Construction of more of the second parallel track during the initial phase and turnouts and switches between the two parallel tracks. This new design will allow the flexibility for Sound Transit and the City to use both tracks. The original agreement provided for Sound Transit to use one track and the City to use the other. This change eliminates the need for the construction of additional storage tracks in the Port of Tacoma by Sound Transit. The operating flexibility of the new alignment allows freight and commuter rail to use both tracks. This flexibility may permit the City to expand their freight business and enjoy an increased business potential through their use of the new connection to the BNSF track. This new design could provide BNSF with an alternative connections between their Prairie line and mainline at Reservation Junction and may also provide WSDOT with the opportunity to initiate high-speed train service in this corridor without immediately adding more infrastructure.
- Cost savings that are estimated at \$2.6M for Phase 1 plus \$5.0M for Phase 2.
- Sharing of maintenance costs for both tracks by both parties based on amount and type of use. This has eliminated Sound Transit's required monthly maintenance fee of \$1500 per track mile. Sound Transit will contract with the City for the maintenance of the Rail Segment.
- A strengthened partnership between Sound Transit and the City through the appointment of Project Managers to manage the project.
- A stronger commitment between the City and Sound Transit to work together to pursue grant opportunities/funds, to deal with any FRA/WUTC concerns, to minimize impacts to freight traffic, and to develop the potential for a relationship between Sounder Commuter Rail and the City's proposed Train to the Mountain.

HISTORY OF PROJECT

In December 2000, Sound Transit executed agreements with the City of Tacoma, including the original commuter rail agreement, that allowed Sound Transit to construct a connection between Tacoma Rail and BNSF, upgrade and share track with Tacoma Rail, and to work with the City of Tacoma to find funding to ultimately construct a parallel second track.

While finalizing the design contemplated in the original agreement, Sound Transit proposed a revised alignment that would provide significant savings in construction costs. Further, Sound Transit believed that such an alignment would provide operating benefits for both Sound Transit and the City by way of joint use of all available track. Under the original agreement, freight and passenger trains would only operate on one track where double track existed. However, even though there will be increased flexibility for both parties under the proposed revised alignment, operations and division of maintenance costs are complicated because both freight and passenger trains would be operating on all available tracks. These complications are addressed in the proposed amended Commuter Rail Agreement.

Sound Transit staff and the Federal Transportation Administration reviewed the revised design and found it to be consistent with previous environmental determinations.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
Motion No. M2000-123	Authorized the Executive Director to execute a Property Construction Agreement with the City of Tacoma for an interconnection between BNSF and Tacoma Rail.	12/14/00
Motion No. M2000-122	Authorized the Executive Director to execute a Construction Agreement with the City of Tacoma	12/14/00

CONSEQUENCES OF DELAY

Delay of this action will result in the delay of additional commuter rail service in the Seattle to Lakewood corridor and may result in a breach of an agreement with BNSF for completion of construction of this segment of track by August of 2003.

REGIONAL PARTNERSHIP AND COOPERATION

The proposed amended agreement represents a significant cooperative effort on the part of Sound Transit, the City of Tacoma, WSDOT, Federal Transit Administration, Port of Tacoma and the BNSF.

LEGAL REVIEW

JW 4/9/02

SOUND TRANSIT

MOTION NO. M2002- 40

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute an amendment to the Commuter Rail Agreement between Sound Transit and the City of Tacoma for the upgrade, construction, and joint use of the rail facilities located on the City of Tacoma's rail right of way for purposes of providing Sounder Commuter Rail service to the Tacoma Dome Station.

Background:

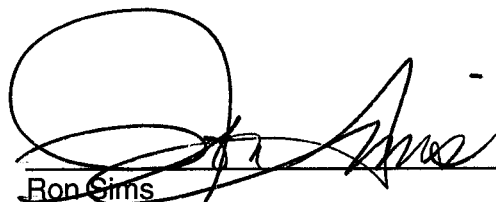
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Motion:


It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to execute an amendment to the Commuter Rail Agreement between Sound Transit and the City of Tacoma for the upgrade, construction and joint use of the rail facilities located on the City of Tacoma's rail right of way for purposes of providing Sounder Commuter Rail service to the Tacoma Dome Station.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 25, 2002.



Ron Sims
Board Chair

ATTEST:



Marcia Walker
Board Administrator