

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2007-23

State Highway 16 Overpass Construction and Maintenance Agreement

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	2/15/07	Discussion/Possible Action to Recommend Board Approval	Jim Edwards, Acting Capital Projects Director	(206)398-5436
Board	2/22/07	Action	Eric Beckman, Program Manager Jordan Wagner, Legal Counsel	(206)398-5251 (206)398-5224

Contract/Agreement Type:	<input checked="" type="checkbox"/>	Requested Action:	<input checked="" type="checkbox"/>
Competitive Procurement		Execute New Contract/Agreement	<input checked="" type="checkbox"/>
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)	<input checked="" type="checkbox"/>	Budget Amendment	
Real Estate		Property Acquisition	

PROJECT NAME

State Highway 16 Overpass Agreement

PROPOSED ACTION

Authorizes the chief executive officer to execute a construction and maintenance agreement with the Washington State Department of Transportation regarding the construction and maintenance of the State Highway 16 overpass over Sound Transit's railroad right-of-way.

KEY FEATURES of PROPOSED ACTION

- The Washington State Department of Transportation (WSDOT) intends to replace the existing Highway 16 overpass in Tacoma that goes over Sound Transit's railroad right-of-way in Tacoma.
- WSDOT entered into a similar overpass construction and maintenance agreement with The BNSF Railway Company ("BNSF") before BNSF sold the Lakeview Subdivision to Sound Transit. That agreement has expired.
- This agreement will establish WSDOT's and Sound Transit's rights and responsibilities with regard to WSDOT's construction and maintenance of the Highway 16 overpass over Sound Transit's railroad right-of-way in Tacoma. This agreement also:
 - Authorizes granting WSDOT a 10-year temporary construction easement (2007 – 2017);
 - Provides a mechanism to reimburse Sound Transit for work provided on behalf of WSDOT such as plan reviews, flagger support and track protection.

BUDGET IMPACT SUMMARY

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.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

In 2002, WSDOT purchased a crossing easement and surface easements for the expansion of its Highway 16 overpass over the railroad right-of-way known as the Lakeview Subdivision in Pierce County from BNSF. In conjunction with this easement purchase, BNSF and WSDOT entered into a construction and maintenance agreement, which outlined the parties respective rights and responsibilities with regard to the demolition of the existing Highway 16 overpass and construction of replacement overpasses (BNSF Construction & Maintenance Agreement). BNSF sold the Lakeview Subdivision to Sound Transit in 2003. The BNSF Construction & Maintenance Agreement and related temporary construction easement expired in 2006. WSDOT has an approved environmental document for the entire I-5 and SR 16 HOV corridor. All of the improvements will be done within the existing freeway corridor.

CONSEQUENCES of DELAY

WSDOT's Highway 16 project could be delayed.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SSK 1/17/07

LEGAL REVIEW

JDW 1/30/07

SOUND TRANSIT

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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a construction and maintenance agreement with the Washington State Department of Transportation regarding the construction and maintenance of the State Highway 16 overpass over Sound Transit's railroad right-of-way.

Background:

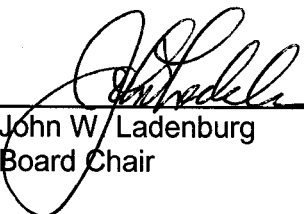
In 2002, the Washington State Department of Transportation (WSDOT) purchased a crossing easement and surface easements for the expansion of its Highway 16 overpass over the railroad right-of-way known as the Lakeview Subdivision in Pierce County from BNSF. In conjunction with this easement purchase, BNSF and WSDOT entered into a construction and maintenance agreement, which outlined the parties respective rights and responsibilities with regard to the demolition of the existing Highway 16 overpass and construction of replacement overpasses (BNSF Construction & Maintenance Agreement). BNSF sold the Lakeview Subdivision to Sound Transit in 2003. The BNSF Construction & Maintenance Agreement and related temporary construction easement expired in 2006. WSDOT has an approved environmental document for the entire I-5 and SR 16 HOV corridor. All of the improvements will be done within the existing freeway corridor.

Authorization of this agreement includes the authorization to grant WSDOT a 10-year temporary construction easement.

Motion:

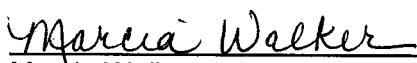
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a construction and maintenance agreement with the Washington State Department of Transportation regarding the construction and maintenance of the State Highway 16 overpass over Sound Transit's railroad right-of-way.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 22, 2007.



John W. Ladenburg
Board Chair

ATTEST:



Marcia Walker
Board Administrator