




**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Corey Newton, P.E., Division Manager, Planning and Development Services  
Josh Diekmann, P.E. PTOE, Interim Public Works Director/City Engineer  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Amending the Right of Use between the Central Puget Sound Regional Transit Authority and the City of Tacoma – June 13, 2023  
**DATE:** May 30, 2023



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**SUMMARY AND PURPOSE:**

An ordinance amending Ordinance No. 28419 which granted the Central Puget Sound Regional Transit Authority, d.b.a. Sound Transit, a non-exclusive Right of Use Agreement, originally established on January 2, 2001 by Ordinance No. 26749, by adding Exhibits “E” and “F”, to establish rights, duties and responsibilities related maintenance, repair or replacement of that portion of a 24-inch stormwater main located under the Link Light Rail Expansion Project Overhead Contact System within Stadium Way.

**BACKGROUND:**

**This Department’s Recommendation is Based On:** In 2012 the City commenced work to make improvements to Stadium Way that included the relocation of a 24-inch stormwater main to the center of Stadium Way to minimize the potential for conflict with the proposed Overhead Contact System (OCS) for the Hilltop Tacoma Link Expansion. After considerable design effort, Sound Transit determined the steep slope and narrow roadway in the area of Stadium Way, between 4th Street and Division Avenue, created significant structural and economic impediments to locating the foundation and supports for the OCS on the side of the roadway. To alleviate the structural and economic impediments to the Hilltop Tacoma Link Expansion project, Sound Transit proposed that seven OCS poles be located at the center of Stadium Way, south of Division Avenue, for approximately 600 feet, to be held up by a shallow spread footing (approximately three-feet deep and ranging from 8.5 feet by 8.5 feet to 15 feet by 15 feet) located above the City’s new 24-inch stormwater main. The City and Sound Transit acknowledge and agree that the proposed placement of the OCS above the 24-inch stormwater main will interfere with, impede, and increase the cost of, access to the stormwater main for purposes of planned or unplanned maintenance, repair and future replacement, and that such maintenance, repair and future replacement work has the potential to interfere with light rail operations in the event that the OCS must be temporarily removed and/or relocated to accommodate such work.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

This project has had extensive public outreach from both Sound Transit and the City of Tacoma. Sound Transit has provided a dedicated Community Engagement Specialist throughout the entire project and conducts engagement actions everyday as part of their duties. This Right of Use or franchise agreement is being amended as a result of joint collaboration surrounding cost efficiencies and value engineering efforts.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

The purpose of this ordinance is to allow the City and Sound Transit to maintain service to their respective customers, in the event the City needs to maintain, repair or replace the portion of the stormwater main within the Stadium Way impacted by the OCS. This will ensure continued Tacoma Link service on the old alignment and the new expanded alignment.



**Livability:** *Equity Index Score:* High Opportunity

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Increase positive public perception of safety and overall quality of life.

**Explain how your legislation will affect the selected indicator(s).**

This ordinance ensures Sound Transit and the City can continue to serve their respective customers.

**ALTERNATIVES:**

The City Council could choose not to amend this agreement, however this may create or cause future City liabilities for the stormwater utility.

**EVALUATION AND FOLLOW UP:**

This Right of Use Agreement is being amended as a result of joint collaboration surrounding cost efficiencies and value engineering efforts. The City will continue to evaluate and collaborate with Sound Transit on this agreement.

**STAFF/SPONSOR RECOMMENDATION:**

Staff recommends amending Ordinance No. 28419 to add Exhibits "E" and "F" to a non-exclusive Right of Use Agreement with Sound Transit, to identify the rights, duties and responsibilities of the City and Sound Transit with regard to planned and unplanned work to maintain, repair or replace that portion of the stormwater main within the area of Stadium Way impacted by the location of the OCS above the 24-inch stormwater main. The adoption will ensure that Sound Transit and the City can continue to serve their respective customers.

**FISCAL IMPACT:**

There is no significant fiscal impact associated with the adoption of this ordinance.

**ATTACHMENTS:**

- Proposed Amendments to Ordinance No. 28419