



TO: Elizabeth A. Pauli, Interim City Manager
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer *IKD*
COPY: City Council and City Clerk
SUBJECT: Ordinance – Sound Transit Tacoma Link Extension Project Right of Use Agreement –
March 21, 2017
DATE: March 10, 2017

SUMMARY:

An ordinance amending the Tacoma Link Right of Use Agreement with Sound Transit, to include provisions authorizing the Tacoma Link Expansion project and provisions meeting federal funding requirements of the Federal Transit Authority.

STRATEGIC POLICY PRIORITY:

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.

The Tacoma Link Expansion (TLE) project adds 2.4 miles of light rail transportation to the existing Link light rail line.

BACKGROUND:

On January 2, 2001, the City Council passed Ordinance No. 26749, granting to Sound Transit the right to construct, operate, maintain and own a passenger rail system to provide passenger transportation in the City within and along the rights-of-way area and upon the terms and conditions set forth therein (Right of Use Agreement). Pursuant to Ordinance No. 28022, passed October 25, 2011, the City Council approved certain amendments to the Right of Use Agreement including the addition of the Commerce Street Station, modification to the liability and indemnification, establishing a five-year review period, and changing the 10-minute train headways to 12-minute headways because of the extra time needed to serve the new Commerce Street Station.

In 2008, voters approved Sound Transit 2 authorizing substantial extensions of Link light rail throughout the region, including the TLE project. In August 2015, the City Council adopted Resolution No. 39255 recommending that the TLE project conform to the alignment and stations examined in the Environmental Evaluation completed by Sound Transit. The proposed TLE project consists of six new stations and one relocated station along an approximately 2.4 mile expansion of the Tacoma Link light rail line. If the City Council approves the Funding Agreement for the TLE project, it will be necessary to amend the Right of Use Agreement to include authorization for Sound Transit to construct, operate and maintain the TLE within the public rights-of-way. The Right of Use Agreement must also be amended to include provisions required by the Federal Transit Authority as a condition of TLE project funding. This ordinance incorporates those amendments, together with amendments made pursuant to the first amendment to the Right of Use Agreement.

ISSUE:

If the City Council should approve the Funding Agreement for the TLE project, it is necessary to approve amendments to the 2001 Right of Use Agreement to authorize Sound Transit to construct, maintain and operate the TLE within the public rights-of-way and to ensure eligibility for federal funding of a portion of the TLE project by the Federal Transit Authority.

ALTERNATIVES:

If the ordinance is not approved, the TLE project work cannot commence because Sound Transit will not have the authority to construct the TLE within the public right-of-way. The City Council could direct the



City Manager to negotiate different terms and conditions. This would likely delay the TLE project and result in a loss of grant funding.

RECOMMENDATION:

An ordinance amending the Tacoma Link Right of Use Agreement with Sound Transit, to include provisions authorizing the Tacoma Link Expansion project and provisions meeting federal funding requirements of the Federal Transit Authority.

FISCAL IMPACT:

There is no fiscal impact.