



TO: T.C. Broadnax, City Manager
FROM: Dale King, Superintendent Tacoma Rail
COPY: City Council and City Clerk
SUBJECT: Resolution – Approve Liability Allocation Agreement with Amtrak – Requested City Council Date - December 16, 2014
DATE: November 20, 2014

SUMMARY:

Tacoma Rail requests approval by the City Council to enter into an agreement on behalf of the City of Tacoma with the National Railroad Passenger Corporation (Amtrak) to set forth the apportionment of liability and risk of damage between Tacoma Rail and Amtrak for incidents that occur in connection with activities conducted on Sound Transit owned track between Nisqually Junction and TR Junction (e.g. the Tacoma Dome Segment), such apportionment to apply regardless of the role of each Party.

STRATEGIC POLICY PRIORITY:

Approval of the agreement will increase certainty in how liability will be apportioned in the event of a rail accident, thereby aligning with the following strategic policies:

- Strengthen and maintain a strong fiscal management position.
- Encourage and promote an open, effective, results-oriented organization.

BACKGROUND:

The Washington State Department of Transportation is planning to upgrade the railroad tracks and various support facilities between Nisqually Junction and TR Junction (e.g. Tacoma Dome Segment) to enable Amtrak to bypass Point Defiance Park and travel directly into Tacoma using Sound Transit owed tracks. The City of Tacoma, Department of Public Utilities Beltline Division (Tacoma Rail) operates on the same tracks for its own operations as well as for the Department of Public Works – Tacoma Rail Mountain Division. Because Amtrak and Tacoma Rail will be operating jointly on the same tracks, it is more efficient to enter an agreement to apportion liability and indemnification responsibilities between the parties now to avoid costly litigation on these subjects in the future. Similar agreements are currently in place between Tacoma and Sound Transit, and Tacoma and BNSF Railroad Corporation.

ISSUE:

Sound Transit is requesting that all parties jointly operating on its tracks to enter into agreements that address liability and indemnification responsibilities.

ALTERNATIVES:

The alternative is to not enter into an agreement and litigate the cause and responsibility of all accidents.

RECOMMENDATION:

Tacoma Rail and the City Attorney’s Office believe the agreement is in the best interest of the City by avoiding costly litigation and protecting the City from Amtrak passenger claims, and recommends the City Council approve the agreement.



FISCAL IMPACT:

None.

EXPENDITURES:

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
TOTAL			

* General Fund: Include Department

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
TOTAL			

POTENTIAL POSITION IMPACT:

POSITION TITLE	PERMANENT/ PROJECT TEMPORARY POSITION	FTE IMPACT	POSITION END DATE
TOTAL			

This section should only be completed if a subsequent request will be made to increase or decrease the current position count.

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: N/A

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? N/A

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.

N/A