



## ORDINANCE NO. 28022

1 AN ORDINANCE relating to the Central Puget Sound Regional Transit  
2 Authority; authorizing the execution of the First Amended Right of Use  
3 Agreement for the use of the public right-of-way by the Sound Transit  
LINK Passenger Rail System.

4 WHEREAS, in April 2001, the Central Puget Sound Regional Transit  
5 Authority ("Sound Transit") accepted the terms and conditions of a Right of Use  
6 Agreement pursuant to Ordinance No. 26749, passed January 2, 2001,  
7 authorizing Sound Transit to construct, operate, and own a passenger rail  
8 system in, upon, and along the public right-of-way of the City, and  
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10 WHEREAS said Right of Use Agreement sets forth in general the terms  
11 and conditions by which the parties will construct and operate the Sound  
12 Transit LINK Passenger Rail System, and

13 WHEREAS the First Amended Right of Use Agreement ("Agreement")  
14 provides for the addition of a City-owned LINK station called the "Commerce  
15 Street Station," and  
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17 WHEREAS in recognition of the addition of the Commerce Street Station  
18 the Agreement provides for liability and indemnification for both Sound Transit  
19 and the City, establishes a five-year review of the Agreement, and changes the  
20 10-minute train headways to 12-minute headways because of the extra time  
21 needed to serve the new Commerce Street Station, and  
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23 WHEREAS, on September 28, 2011, the proposed Agreement received  
24 a "do pass" from the Environment and Public Works Committee, and  
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WHEREAS Tacoma City Charter Section 8.1 indicates that every grant, renewal, extension, or amendment of a franchise, right or privilege, shall be by ordinance and become effective 30 days after publication; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proper officers of the City are authorized to enter into the First Amended Right of Use Agreement with the Central Puget Sound Regional Transit Authority for the use of the public right-of-way by the Sound Transit LINK Passenger Rail System as more specifically set forth in the proposed First Amended Right of Use Agreement on file in the office of the City Clerk.

Section 2. That, pursuant to Tacoma City Charter Section 8.1, this ordinance shall become effective 30 days after publication.

Passed OCT 25 2011

*Max Finkel*  
Mayor

Attest:

*Wendy Faulstich*  
City Clerk (Acting)

Approved as to Form:

*Martina P. Lantz*  
Deputy City Attorney

09426



# REQUEST FOR RECEIVED



**ORDINANCE**  **RESOLUTION**

Request #: 130576  
Ord./Res. #: 28022

Request #: <u>130576</u>
Ord./Res. #: <u>28022</u>

1. DATE: September 13, 2011

CITY CLERK'S OFFICE

2. SPONSORED BY: COUNCIL MEMBER(S) N/A		
3a. REQUESTING DEPARTMENT/DIVISION Public Works Engineering Division 3b. "DO PASS" FROM EPW 9/28/11 <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input type="checkbox"/> Did not go before a Committee 3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? 9/28/11 <input type="checkbox"/> Yes, on <input type="checkbox"/> Not required	4a. CONTACT (for questions): Chris Larson, P.E. Asst. Division Manager	PHONE: 253.591.5538
	4b. Person Presenting: Chris Larson, P.E. Asst. Division Manager	PHONE: 253.591.5538
	4c. ATTORNEY: Martha Lantz Assistant City Attorney	PHONE: 253.591.5633
 Richard E. McKinley, Public Works Director	N/A Robert K. Biles, Finance Director	 Tansy Hayward, Acting Deputy Manager

5. REQUESTED COUNCIL DATE: October 4, 2011

Operation of the Sound Transit Commerce Street LINK stop requires approval of this agreement.

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorize the First Amended Right of Use Agreement between Central Puget Sound Regional Transit Authority and City of Tacoma for the use of and within the portion of the public right-of-way of the City in which the Sound Transit LINK Passenger Rail System is authorized to operate.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

In April 2001, Sound Transit accepted the terms and conditions of a Right of Use Agreement (Ordinance 26749), authorizing Sound Transit to construct, operate and own a passenger rail system in, upon and along the public right-of-way of the City. The Right of Use Agreement sets forth in general the terms and conditions by which the parties will construct and operate the Sound Transit LINK passenger rail system.

The Amended Right of Use Agreement provides for the addition of a City owned LINK station called the Commerce Street Station. The Agreement provides for liability and indemnification for both Sound Transit and the City, establishes a five-year review of the Agreement, and changes the 10-minute train headways to 12-minute headways because of the extra time needed to serve the new Commerce Street Station.

REQUEST (CONT)

Request #:

13056

Ord/Res #:

28022

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Right of Use Agreement (Ordinance 26749)	City Clerk's office
First Amended Right of Use Agreement	City Clerk's office
Tacoma Link Operating Agreement	City Clerk's office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT:  EXPENDITURE  REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:


FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted?  Yes  No Where? Cost Center:  
Acct #:



**TO:** Rey Arellano  
Interim City Manager

**FROM:** Dick McKinley, Director   
Public Works Department

**SUBJECT:** Council Action Memo – Request for Ordinance – October 4, 2011

**DATE:** September 29, 2011

The City Council is being requested to authorize an amended Right of Use Agreement with Sound Transit to construct, operate, maintain, and own a passenger rail system along the right of way of the City of Tacoma.

### **Background**

In 2010, the City proposed adding a LINK station north of the Convention Center Station near the intersection of Commerce Street and South 11<sup>th</sup> Street to expand access to businesses, increase ridership, and improve mobility in the downtown area. The additional stop on the LINK system will increase train headways from 10-minutes to 12-minutes.

### **Project**

Tacoma Link is a 1.6 mile light rail line completed in 2003. The line primarily serves commuters between the Tacoma Dome Station and the downtown core. The original five stations consist of the Tacoma Dome Station, South 25<sup>th</sup> Street Station, Union Station, Convention Center Station, and the Theater District Station. In 2011, the City constructed a new station on Commerce Street just south of South 11<sup>th</sup> Street. The new station opened on September 15, 2011, and will be called the Commerce Street Station. The new station includes two 40-foot offset platforms located on each side of the roadway and accommodating one-car trains.

### **Funding Sources**

The Commerce Street Station was constructed and funded by the City. The total project cost was \$700,000 and funded with LTGO bonds. Sound Transit will maintain the Tacoma Link Passenger Rail System. The City will provide maintenance for the Sound Transit train signals and such maintenance costs will be reimbursed by Sound Transit. The City will reimburse Sound Transit for the maintenance and operations expenses for any station built by the City, such as the new Commerce Street Station. The current annual estimate for maintenance and operations costs for the new Commerce Street Station is \$7,600.

### **Reasons for Action**

In April 2001, Sound Transit accepted the terms and conditions of a Right-of-Use agreement (Ordinance 26749), authorizing Sound Transit to construct, operate and own a passenger rail system in, upon and along the public right-of-way of the City. The Amended Right of Use Agreement provides for the addition of a City owned LINK station called the Commerce Street Station. The

Agreement provides for liability and indemnification for both Sound Transit and the City, establishes a five-year review of the Agreement, and changes the 10-minute train headways to 12-minute headways because of the extra time needed to serve the new Commerce Street Station.

The First Amended Right of Use Agreement between Central Puget Sound Regional Transit Authority, as approved by the Sound Transit Board on July 22, 2011, is also approved by City of Tacoma staff and the City's Legal Department.

### **Outreach/Public Involvement**

Public Works staff attended a Downtown Merchants Group meeting to explain the proposed Commerce Street Station.

City staff met with community stakeholders to explain the proposed Commerce Street Station.

Public Works staff held several meetings with Sound Transit and Pierce Transit planners to discuss the operation of the Commerce Street Station.

On September 14, 2010, City Council passed Resolution 38106 directing the City Manager to collaborate with Sound Transit to finalize a proposal to seek approval from the Sound Transit Board for a new LINK light rail stop near South 11<sup>th</sup> Street and Commerce Street, and to move forward with securing funding for, and construction of, the proposed project once the design is complete and approved.

On September 23, 2010, Public Works presented the new LINK station proposal to the Sound Transit Board.

On July 22, 2011, the Sound Transit Board authorized execution of the First Amended Right of Use Agreement between Central Puget Sound Regional Transit Authority and City of Tacoma and the Tacoma Link Joint Operating Agreement.

On September 28, 2011, the Public Works Department received a do-pass recommendation from the Environment and Public Works Committee.

Ordinance No. 28022

First Reading of Ordinance: OCT - 4 2011

Final Reading October 25, 2011

Final Reading of Ordinance: 10-25-11

Passed: 10-25-11

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe	6			
Mr. Campbell	6			
Mr. Fey	6			
Mr. Lonergan	6			
Mr. Manthou	6			
Mr. Mello	6			
Ms. Walker	6			
Ms. Woodards	6			
Mayor Strickland	6			

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