



TACOMA PUBLIC UTILITIES
3628 South 35th Street
Tacoma, Washington 98409-3192

November 20, 2014

To the Chair and Members of the Public Utility Board
And
To the Mayor and Members of the City Council

RE: Resolution U-

RECOMMENDATION: Tacoma Rail requests approval to enter into a Liability Allocation Agreement with Amtrak.

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 the National Railroad Passenger Corporation (Amtrak) to bypass Point Defiance Park and travel directly into Tacoma using Sound Transit owned 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. The City Attorney's Office has reviewed the agreement and is in support of the recommendation.

Tacoma Rail will request the City Council approve the agreement at its December 16, 2014, meeting as it relates to Tacoma Rail's operations on said tracks on behalf of the Department of Public Works – Tacoma Rail Mountain Division.

Sincerely,

William A. Gaines
Director of Utilities/CEO

