

RESOLUTION NO. 38342



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A RESOLUTION relating to the Central Puget Sound Regional Transit Authority; authorizing the execution of the Tacoma Link Joint Operating Agreement for the use of the public right-of-way by the Sound Transit LINK Passenger Rail System.

WHEREAS, in April 2001, the Central Puget Sound Regional Transit Authority ("Sound Transit") accepted the terms and conditions of a Right of Use Agreement pursuant to Ordinance No. 26749, passed January 2, 2001, authorizing Sound Transit to construct, operate, and own the LINK passenger rail system in, upon, and along the public right-of-way of the City, and

WHEREAS, in August 2003, an Interim Operating Procedures Memorandum of Understanding was executed to supplement said Right of Use Agreement, with additional terms and conditions related to joint operation and use of the LINK passenger rail system, including certain terms and conditions related to power usage for power provided by Tacoma Power, and

WHEREAS, effective July 2004, Sound Transit and the City entered into the First Amendment to the Interim Operating Procedures Memorandum of Understanding for the purpose of extending the term to automatically renew for ten additional one-year terms, through July 2014, and

WHEREAS, pursuant to Request for Ordinance No. 13056, Sound Transit and the City intend to enter into a First Amended Right of Use Agreement in recognition of, among other items, the addition of the City-owned Commerce Street Link Station, and



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WHEREAS Sound Transit and the City now wish to enter into a permanent Operating Agreement to establish the terms and conditions relating to joint operation and use of the LINK passenger rail system, inclusive of the City-owned Commerce Street Station, and agree that the proposed Tacoma Link Joint Operating Agreement (“Agreement”) will supersede and replace the Interim Operating Procedures Memorandum of Understanding and the First Amendment thereto, and

WHEREAS, on September 28, 2011, the proposed Agreement received a “do pass” from the Environment and Public Works Committee, and

WHEREAS, on September 28, 2011, the Public Utility Board approved the proposed Agreement; Now, Therefore,

BE IT RESOLVED BY THE CITY OF TACOMA:

That the proper officers of the City are authorized to enter into the Tacoma Link Joint Operating Agreement with the Central Puget Sound Regional Transit Authority for the use of the public right-of-way by the Sound Transit LINK



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Passenger Rail System, said document to be substantially in the form of the proposed Tacoma Link Joint Operating Agreement on file in the office of the City Clerk.

Passed OCT - 4 2011

Mary J. Kelly
Mayor

Attest:

Wendy Smith
City Clerk Acting

Approved as to Form:

Martina P. Lantz
Deputy City Attorney



CITY CLERK USE ONLY

REQUEST FOR RECEIVED

ORDINANCE RESOLUTION

Request #:	13057
Ord./Res. #:	38342

SEP 15 2011

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, Asst. Division Manager PHONE: 253.591.5538	
	4c. ATTORNEY: Martha Lantz Assistant City Attorney PHONE: 253.591.5633	
Richard E. McKinley, Public Works Director	Robert K. Biles, Finance Director	Tansy Hayward, Acting Deputy Manager

5. REQUESTED COUNCIL DATE: October 4th, 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 a Joint Operating Agreement 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?)

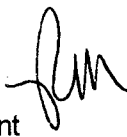
In April 2001, Sound Transit accepted the terms and conditions of a Right-of-Use agreement (Ordinance 26749), authorizing Sound Transit to construct, operate and own a passenger rail system in, upon and along the public right-of-way of the City. In August 2003, an Interim Operating Procedures Memorandum of Understanding was executed to supplement the Right-of-Use agreement with additional terms and conditions related to joint operation and use of the public right-of-way. Effective July 2004 Sound Transit and the City of Tacoma entered into the First Amendment to the Interim Operating Procedures for the purpose of extending the term to automatically renew for an additional 10 one-year terms, through July 2014. Sound Transit and the City of Tacoma now wish to enter into a permanent Operating Agreement.

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

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



TO: Rey Arellano
Interim City Manager

FROM: Dick McKinley, Director 
Public Works Department

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

DATE: September 29, 2011

The City Council is being requested to authorize the Tacoma Link Joint Operating Agreement that will define the day to day operating procedures within the Right of Use Area for the LINK passenger rail system between Sound Transit, City of Tacoma, and Tacoma Public Utilities. The Tacoma Link Joint Operating Agreement establishes the responsibility for maintenance costs, maintenance procedures, addition of City facilities, insurance, and general provisions.

Background

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 25th 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 11th Street. The new station opened on September 15, 2011, and is called the Commerce Street Station.

Funding Sources

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. In August 2003, an Interim Operating Procedures Memorandum of Understanding was executed to supplement the Right-of-Use agreement with additional terms and conditions related to joint operation and use of the public right-of-way. Effective July 2004, Sound Transit and the City of Tacoma entered into the First Amendment to the Interim Operating Procedures for the purpose of extending the term of the Interim Operating Procedures to automatically renew for an additional 10 one-year terms, through July 2014. Sound Transit and the City of Tacoma now wish to enter into a permanent Operating Agreement.

Outreach/Public Involvement

On July 28, 2011, the Sound Transit Board authorized execution of 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.

On September 28, 2011, the City of Tacoma Department of Public Utilities Board approved the execution of the proposed Agreement.

Resolution No. 38342

Adopted: OCT - 4 2011

Maker of Motion: WALKER

Seconded: LONERGAN

Voice Vote:

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

Roll Call Vote:

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