



RESOLUTION NO. 39086

1 A RESOLUTION relating to the Department of Public Works; authorizing City of
2 Tacoma, Public Works Department, Tacoma Rail Mountain Division
3 (“TRMW”), to enter into a Liability Allocation Agreement with the National
4 Railroad Passenger Corporation (“Amtrak”) to set forth the apportionment of
5 liability and risk of damage between TRMW and Amtrak in connection with
6 activities conducted on Sound Transit-owned track between the Nisqually
7 Junction and TR Junction.

8 WHEREAS the Washington State Department of Transportation is planning
9 to upgrade railroad tracks and various support facilities between Nisqually Junction
10 and TR Junction to enable the National Railroad Passenger Corporation (“Amtrak”)
11 to bypass Point Defiance Park and travel directly into Tacoma utilizing Sound
12 Transit-owned tracks, and

13 WHEREAS the City of Tacoma, Public Works Department, Tacoma Rail
14 Mountain Division (“TRMW”) uses the same tracks for its operations, as does the
15 Department of Public Utilities, Beltline Division, d.b.a. “Tacoma Rail,” and

16 WHEREAS the purpose of the agreement is to provide certainty regarding
17 liability and indemnification responsibilities between the parties prior to any
18 incidents occurring, and

19 WHEREAS such agreements are standard in the industry, and Amtrak has
20 entered into such agreements throughout its operations, and

21 WHEREAS similar agreements are currently in place between the City and
22 Sound Transit and the City and BNSF Railroad Corporation, and

23 WHEREAS staff is recommending execution of the agreement to avoid
24 costly future litigation and protect the City from Amtrak passenger claims, and
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WHEREAS the Public Utility Board is scheduled to approve the agreement for Tacoma Rail at its December 17, 2014, meeting; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA

That the proper officers of the City are hereby authorized to enter into a Liability Allocation Agreement with the National Railroad Passenger Corporation (“Amtrak”) to set forth the apportionment of liability and risk of damage between the City of Tacoma, Department of Public Works, Tacoma Rail Mountain Division (“TRMW”) and Amtrak for incidents that may occur in connection with activities conducted on Sound Transit-owned track between the Nisqually Junction and TR Junction, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney