

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2008-01

Property Acquisition for Everett Layover Track for Trains 3 and 4

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	1/3/08	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Executive Director	(206) 398-5839
Board	1/10/08		Don Vogt, Sound Transit Sr. Real Estate Representative	(206) 689-3396

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	✓

PROJECT NAME

Layover Track Project

PROPOSED ACTION

Authorizes the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or by entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the construction of the Everett Station Layover Track for Trains 3 and 4.

KEY FEATURES of PROPOSED ACTION

- Certain additional property has been identified as necessary for the Everett Station Layover Track (the "Layover Track Project"). The proposed action would authorize the acquisition of a temporary construction easement on one parcel, owned by Smith Street Properties No. 1 LLC. The subject parcel is identified on Exhibit A.
- This action does not expand the area in which the project will be built.
- The acquisition of the temporary rights will not require modification of the right of way budget for the project.

BUDGET IMPACT SUMMARY

Current Project Phase: Final Design
Projected Completion Date: 2010

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

The total Adopted 2008 Capital Budget for the Layover project is \$24,423,735. Within that budget, \$870,350 has been budgeted in the right of way phase with \$589,900 committed through November 30, 2007.

The proposed action is consistent with the current board-adopted budget, and is affordable within the agency's long-term financial plan and subarea financial capacity. The action will have no new revenue impact on Sound Transit.

BUDGET TABLE

Summary for Board Action (Year of Expenditure \$000)

Action Item: 140 - Layover

	2008 Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 808	\$ 808		\$ 808	\$ -
2 Preliminary Engineering	\$ 315	\$ 183		\$ 183	132
3 Final Design	\$ 503	\$ 324		\$ 324	179
4 Right of Way	\$ 870	\$ 590		\$ 590	280
5 Construction	\$ 21,720	\$ 15,829		\$ 15,829	5,892
6 Contingency	\$ 207	\$ -		\$ -	207
7 Total Current Budget	\$ 24,424	\$ 17,733	\$ -	\$ 17,733	\$ 6,690

Notes:

(A) Project budget is located on page 116 of the Proposed 2008 Budget book, the budget was adopted by the board on November 29, 2007. Amounts shown reflect the combined Layover budget for Snohomish, South King and Pierce counties.

(B) Committed to-date amount includes actual outlays and commitments for the Layover project in Snohomish, South King and Pierce counties combined, through November 30, 2007.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service, and a program of regional express bus service, HOV improvements, and park-and-ride facilities throughout central Puget Sound, it will be necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions.

This segment of Sounder is located in the 35-mile BNSF Railway corridor between Everett and Seattle. Sound Transit and BNSF executed an agreement in December 2003 to implement commuter rail service in the corridor by providing up to four round-trip trains per day and special event trains. Under the agreement terms, Sound Transit will purchase a service easement from BNSF for each round-trip train.

Improvements to the Sounder Commuter Rail system between Seattle and Everett involve the Layover Track Project, the construction of additional train storage area at Everett Station for trains 3 and 4. The additional property required for the layover track project is identified on Exhibit A. This proposed acquisition is necessary to resolve an encroachment issue by the adjacent property owner on the BNSF property. The BNSF acquisition was previously authorized under Resolution No. R2006-13.

The proposed property acquisition was identified in the Sound Transit Everett-to-Seattle Commuter Rail Project NEPA/SEPA Final EIS (FTA and Sound Transit, December 1999).

Prior Board/Committee Actions

Motion/Resolution Number and Date	Summary of Action
R2006-13 6/22/06	Authorized the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or by entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for (a) the construction of the Everett Station Layover Track for Trains 3 and 4, and (b) the Everett-Seattle Permitting/Mitigation Project related to Burlington Northern Santa Fe's shoreline track and facilities construction between Everett and Seattle, and rescinding Resolution No. R2005-23
R2003-17 9/25/03	Authorized the Chief Executive Officer to acquire, dispose, lease and transfer certain real property interests by negotiated agreement, negotiated purchase, by condemnation (including settlement), condemnation litigation, or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the acquisition of various properties owned by Burlington Northern Santa Fe Railway and required for the Everett-to-Seattle Segment, the Lakewood-to-Tacoma Segment, and its possible extension.
R2000-10 6/8/00	Authorized the Chief Executive Officer to acquire, dispose, lease and transfer certain real property interests by negotiated agreement, negotiated purchase, by condemnation and to pay eligible relocation and reestablishment costs as needed for the construction and operation of commuter rail facilities for the Everett-to-Seattle Commuter Rail Project.

CONSEQUENCES of DELAY

Design and construction schedules for the Project assume the availability of the specific properties when needed for construction. Delay in Board approval could affect the timely acquisition of the property and of the layover project, which must be completed by September 2008 for start of service for the fourth train.

PUBLIC INVOLVEMENT

The Everett Station layover site has been selected to reflect the written and oral testimony collected during the public involvement period for the EIS process, in meetings held with community members of Everett and with elected officials and the Technical Advisory Committees of Everett.

ENVIRONMENTAL COMPLIANCE

SSK 12-20-07

LEGAL REVIEW

JW 12/28/07