

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2002-77**

**Agreement Between the City of Seattle and Sound Transit for Grant of Non-Exclusive Use of a Light Rail Transit Way as Related to the Central Link Light Rail Project**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Executive Committee	6/6/02	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Director	(206) 398-5389
Board	6/13/02		<b>Ron Lewis, Link Deputy Director</b>	(206) 689-4905

<b>Contract/Agreement Type:</b>		<b>Requested Action:</b>	
Competitive Procurement	3	Execute New Contract/Agreement	3
Sole Source		Amend Existing Contract/Agreement	3
Memorandum of Agreement	3	Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

**OBJECTIVE OF ACTION**

- Obtain Board approval of the agreement with the City of Seattle that authorizes certain areas of public rights-of-way to be designated as a light rail transit way.

**ACTION**

- Approve the agreement between the City of Seattle and Sound Transit for grant of non-exclusive use of a light rail transit way as related to the Central Link Light Rail Project.

**KEY FEATURES**

- Approves the agreement between the City of Seattle and Sound Transit for the grant of non-exclusive use of a light rail transit way as related to the Central Link light rail project.
- Establishes City of Seattle approval for permanent use by the light rail system of property on, under and above Seattle City streets and rights-of-way.
- Defines terms and conditions for Sound Transit use of City of Seattle rights-of-way for a light rail transit way regarding:
  - Construction activity
  - Permits
  - Required notice of entry during construction, maintenance, operation and emergencies
  - Operation, maintenance and repair in streets and rights of way
- Establishes the term of the agreement as being throughout the life of the light rail system as a public transportation system.

## **BUDGET DISCUSSION**

Some commitments established in the agreement will require Sound Transit to spend more than \$200,000 for expenses associated with construction of the Central Link Light Rail Project. The individual contracts to provide these services will be brought before the Board for consideration and approval as required. Costs associated with fulfilling these commitments are specifically accounted for within the \$2.07 billion Link Initial Segment capital budget.

## **REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS**

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

## **M/W/DBE – SMALL BUSINESS PARTICIPATION**

N/A

## **HISTORY OF PROJECT**

In early 2000, the City of Seattle and Sound Transit negotiated the agreement for grant of non-exclusive use of a light rail transit way as related to the Central Link Light Rail Transit Project. The agreement establishes the City of Seattle's approval for permanent use by the light rail system of property on, under and above Seattle City streets and rights-of-way throughout the life of the light rail system as a public transportation system. It establishes terms and conditions for Sound Transit's use of City of Seattle rights-of-way for a light rail transit way regarding the following:

- Construction activity
- Permits
- Required notice of entry during construction, maintenance, operation and emergencies
- Operation, maintenance and repair in streets and rights-of-way

The agreement was signed and executed by Seattle Mayor Paul Schell and Sound Transit Executive Director Bob White in July 2000. In early 2002, City of Seattle staff became aware of technical amendments approved by the Seattle City Council in 2000 that were inadvertently omitted from the final version of the agreement. These technical corrections include:

- That approval of construction, by issuance of construction permits for each project section or contract to be constructed by Sound Transit within the public rights-of-way, shall not be given until Sound Transit shows evidence of sufficient funding (such as the Full Funding Grant Agreement) to complete the work described in the Final Construction Plans.
- Ensuring that Sound Transit does not use fenced-off right-of-way during construction for construction worker parking and does not unnecessarily limit the public's right to travel within the right-of-way.

- Ensuring that Sound Transit works with minority businesses and community organizations to develop business-marketing programs to minimize business disruption during construction and assist minority businesses in gaining access to technical assistance and small business loans and grants.

In addition, the City of Seattle and Sound Transit entered into the Community Development Fund (CDF) Agreement in May 2002, which now provides for a different allocation of utility relocation costs than the Light Rail Transit Way Agreement, in that the City of Seattle agreed to pay a portion of the cost of relocating city-owned utilities rather than require Sound Transit to bear the entire cost of the relocations. On May 6, 2002, the Seattle City Council approved technical corrections to the Light Rail Transit Way Agreement authorized under Ordinance 119975.

Some commitments established in the agreement will require Sound Transit to spend more than \$200,000 for expenses associated with construction of the Central Link light rail project such as restoring public right-of-way damaged during installation of light rail. These commitments are consistent with requirements already contained in the Record of Decision. The individual contracts to provide these services will be brought before the Board for consideration and approval as required. Costs associated with fulfilling these commitments are specifically accounted for within the \$2.07 billion Link Initial Segment capital budget.

### **CONSEQUENCES OF DELAY**

Delay in action will delay the clarification of the approval record to the Light Rail Transit Way Agreement.

### **REGIONAL PARTNERSHIP AND COOPERATION**

Sound Transit and the City of Seattle have worked cooperatively and extensively to plan and implement the Link Light Rail Project within the City of Seattle, consistent with this agreement.

### **PUBLIC INVOLVEMENT**

The agreement outlines steps to involve and communicate with the public in regards to the construction of the Link Light Rail Project within City of Seattle rights-of-way.

### **LEGAL REVIEW**

DB 5/29/02

## **SOUND TRANSIT**

### **MOTION NO. M2002-77**

A motion of the Board of the Central Puget Sound Regional Transit Authority approving the agreement between the City of Seattle and Sound Transit for grant of non-exclusive use of a light rail transit way as related to the Central Link Light Rail Project.

#### **Background:**

In early 2000, the City of Seattle and Sound Transit negotiated the agreement for grant of non-exclusive use of a light rail transit way as related to the Central Link Light Rail Transit Project. The agreement establishes the City of Seattle's approval for permanent use by the light rail system of property on, under and above City of Seattle streets and rights-of-way throughout the life of the light rail system as a public transportation system. It establishes terms and conditions for Sound Transit's use of City of Seattle rights-of-way for a light rail transit way regarding the following:

- Construction activity
- Permits
- Required notice of entry during construction, maintenance, operation and emergencies
- Operation, maintenance and repair in streets and rights-of-way

The agreement was signed and executed by Seattle Mayor Paul Schell and Sound Transit Executive Director Bob White in July 2000. In early 2002, City of Seattle staff became aware of technical amendments approved by the City Council in 2000 that were inadvertently omitted from the final version of the agreement. In addition, the City of Seattle and Sound Transit entered into the Community Development Fund (CDF) Agreement in May 2002, which now provides for a different allocation of utility relocation costs than the Light Rail Transit Way Agreement, in that the City of Seattle agreed to pay a portion of the cost of relocating City-owned utilities rather than require Sound Transit to bear the entire cost of the relocations. On May 6, 2002, the Seattle City Council approved technical corrections to the Light Rail Transit Way Agreement authorized under Ordinance 119975.

Some commitments established in the agreement will require Sound Transit to spend more than \$200,000 for expenses associated with construction of the Central Link light rail project such as restoring public right-of-way damaged during installation of light rail. These commitments are consistent with requirements already contained in the Record of Decision. The individual contracts to provide these services will be brought before the Board for consideration and approval as required. Costs associated with fulfilling these commitments are specifically accounted for within the \$2.07 billion Link Initial Segment capital budget.

**Motion:**

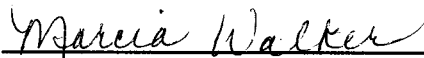
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority approving the agreement between the City of Seattle and Sound Transit for grant of non-exclusive use of a light rail transit way as related to the Central Link light rail project.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 13, 2002.

A handwritten signature in black ink, appearing to read "Ron Sims", written over a horizontal line.

Ron Sims  
Board Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Marcia Walker", written over a horizontal line.

Marcia Walker  
Board Administrator