

**MOTION NO. M2010-88**  
**Intergovernmental Agreement with Tacoma Rail**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>	<b>PHONE:</b>
Operations and Administration Committee	09/16/10	Recommendation to Board	Bonnie Todd, Operations Executive Director	206-398-5367
Board	09/23/10	Final Action	<b>Brian Freerks, Commuter Rail Mechanical Superintendent</b>	206-689-4987

**PROPOSED ACTION**

Authorizing the chief executive officer to execute an intergovernmental agreement with Tacoma Rail for track maintenance on the Sounder alignment between the South M Street crossing in Tacoma and the Lakewood Station for two years with one one-year option, for a total authorized agreement amount not to exceed \$414,000.

**KEY FEATURES**

- The intergovernmental agreement provides for Federal Railroad Administration (FRA) required track inspections and maintenance on Sound Transit's right of way from the South M Street crossing in Tacoma to Lakewood Station during the interim period before Sound Transit starts Sounder commuter rail service on the corridor.
- Tacoma Rail, the owner of the freight easement on the corridor, will be the only train operator on the corridor during this interim period.
- Tacoma Rail will be responsible for all FRA-required inspection reports for this corridor.
- Tacoma Rail will be responsible for ordering and maintaining inventory of parts for required track repairs.
- The amount being requested is sufficient to fund the two-year agreement term and the one-year option.
- The agreement may be terminated with 60 days notice.

**FISCAL INFORMATION**

Summary for Board Action (X \$1,000)

**Action Item: To execute a contract with Tacoma Rail to provide maintenance of way during the constructions of M Street to Lakewood.**

<b>Current Year Maintenance of Stations Budget</b>	<b>Adopted 2010 Budget (1)</b>	<b>Spent to date in 2010</b>	<b>2010 Remaining Budget</b>
Sounder commuter rail maintenance of way budget	250	112	138

<b>Contract Spending Plan</b>	<b>Prior Year(s) Spending</b>	<b>2010 Spending</b>	<b>Future Expenditures</b>	<b>Total</b>
Tacoma Rail	-	3	411	414
<b>Total</b>	-	3	411	414

<b>Contract Budget</b>	<b>Approved</b>	<b>Spent to Date</b>	<b>Action</b>	<b>Total Contract</b>
Tacoma Rail	-	-	414	414
Contingency	-	-	-	-
<b>Total Contract</b>	-	-	414	414
Percent Contingency	-	-	0%	0%

<sup>1</sup> Sounder maintenance of way budget can be found on page 26 of 2010 Adopted budget book

**PROJECT DESCRIPTION**

The intergovernmental agreement covers track maintenance for seven miles of main line track and any industry tracks along this segment. Tacoma Rail will submit reports to the FRA for the federally required inspections that will take place on track and bridges.

**SMALL BUSINESS PARTICIPATION**

Not applicable to this action.

**EQUAL EMPLOYMENT WORKFORCE PROFILE**

Not applicable to this action.

**BACKGROUND**

Sound Transit purchased the Lakeview Subdivision rail right-of-way from the BNSF Railway Company (BNSF) in 2003 in order to extend Sounder service past the current terminus in Tacoma to Lakewood. The associated Joint Use Agreement between Sound Transit and BNSF, dated December 17, 2003, requires Sound Transit to be responsible for the track maintenance once construction has commenced on that segment of track. The freight easement to the corridor was transferred by BNSF to Tacoma Rail.

Railworks Track Systems, Inc., the South M Street to Lakewood construction contractor, has been responsible for the track maintenance during construction. It is estimated that construction will be completed during the fourth quarter 2010. The intergovernmental agreement with Tacoma Rail covers track maintenance for the seven miles of main line track and industry tracks in the Tacoma to Lakewood corridor for two years with an option for a third year.

Tacoma Rail, an operating division of Tacoma Public Utilities, is the existing freight operator, the controller of train operations, the dispatcher, and the only railroad operating on the Tacoma to Lakewood corridor during this interim period. FRA inspection and maintenance requirements are much lower for this freight-only operation than they will be when Sound Transit introduces a higher speed passenger rail operation onto the corridor.

Sound Transit intends to competitively procure a track and signal maintenance provider for the time when Sounder commuter rail shares the corridor with Tacoma Rail in mid-2012.

**ENVIRONMENTAL COMPLIANCE**

SSK 8/29/10

**TIME CONSTRAINTS**

A one month delay would not create a significant impact to the project schedule.

**PUBLIC INVOLVEMENT**

Not applicable to this action

**LEGAL REVIEW**

JW 9/9/10

**MOTION NO. M2010-88**

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an intergovernmental agreement with Tacoma Rail for track maintenance on the Sounder alignment between the South M Street crossing in Tacoma and the Lakewood Station for two years with one one-year option, for a total authorized agreement amount not to exceed \$414,000.

**BACKGROUND:**

Sound Transit purchased the Lakeview Subdivision rail right-of-way from the BNSF Railway Company (BNSF) in 2003 in order to extend Sounder service past the current terminus in Tacoma to Lakewood. The associated Joint Use Agreement between Sound Transit and BNSF, dated December 17, 2003, requires Sound Transit to be responsible for the track maintenance once construction has commenced on that segment of track. The freight easement to the corridor was transferred by BNSF to Tacoma Rail.

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Sound Transit intends to competitively procure a track and signal maintenance provider for the time when Sounder commuter rail shares the corridor with Tacoma Rail in mid-2012.

**MOTION:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an intergovernmental agreement with Tacoma Rail for track maintenance on the Sounder alignment between the South M Street crossing in Tacoma and the Lakewood Station for two years with one one-year option, for a total authorized agreement amount not to exceed \$414,000.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 23, 2010.

  
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Aaron Reardon  
Board Chair

ATTEST:

  
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Marcia Walker  
Board Administrator