

MOTION NO. M2011-63

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an agreement with the City of Tukwila for a total authorized amount not to exceed \$4 million.

BACKGROUND:

In 2004, Sound Transit obtained several land use approvals for the light rail system from the City of Tukwila which included a Parking Determination issued July 1, 2004 ("Parking Determination"), an Unclassified Use Permit issued September 21, 2004 ("2004 UUP"), and execution of a Development and Transitway Agreement on December 8, 2004 ("Development Agreement"). Sound Transit is currently seeking new land use approvals from the City for permanent improvements at the Tukwila Sounder Commuter Rail Station.

Since the light rail system began operations, unresolved issues have arisen regarding noise and parking impacts associated with the light rail operations and regarding compliance with the conditions of approval contained in the Parking Determination and the 2004 UUP. In addition, issues have arisen regarding the revised design plans for the Tukwila Sounder Station. Sound Transit and the City agreed to address these issues through the dispute resolution process outlined in the Development Agreement.

Sound Transit and the City have negotiated in good faith for several months and have reached agreement on mitigation measures to resolve the disagreements regarding light rail noise and parking. The agreed upon noise mitigation includes installation of additional Type 1 noise barriers along portions of the light rail trackway. Other possible mitigation may include Type 2 noise barriers, rail grinding, track lubricators, and residential sound insulation as determined by Sound Transit. The noise monitoring requirements under the 2004 UUP will terminate with submission of a final report to the City in 2013. The Type 1 noise barrier construction contract will be considered in a separate Board action at a future Board meeting. With regard to parking, the City will defer additional parking requirements to 2017 provided that Sound Transit makes progress to accelerate completion of the Link South 200th Street station and the parties will work together to develop amendments to the Parking Determination. City staff has indicated its support for the revised design of the Tukwila Sounder Station. The parties now desire to enter into a settlement agreement to bring closure to the disputes raised in the dispute resolution process.

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 agreement with the City of Tukwila on the terms described with a total authorized amount not to exceed \$4 million.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 28, 2011.



Aaron Reardon
Board Chair

ATTEST:



Marcia Walker
Board Administrator