



## Motion No. M2022-96

### Consolidated Transit Way Agreement for Link light rail with the City of SeaTac

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	12/08/2022	Recommend to Board	Ron Lewis, Executive Director DECM
Board	12/15/2022	Final action	Linneth Riley-Hall, Executive Project Director - Federal Way Link Extension <b>Robert Nichols, Manager - Light Rail Development</b>

### Proposed action

Authorizes the chief executive officer to execute a Consolidated Transit Way Agreement with the City of SeaTac to grant Sound Transit non-exclusive use of a light rail transit way within city right-of-way to construct, operate, maintain, and own a light rail transit system.

### Key features summary

- This consolidated transit way agreement will combine the relevant provisions from the following three agreements with the City of SeaTac:
  - Development and transit way agreement for Airport Link executed in 2006
  - Development and transit way agreement for South 200<sup>th</sup> Link executed in 2012
  - Transit way agreement for the Federal Way Link Extension executed in 2019
- The city and Sound Transit desire to consolidate the related provisions of the three existing agreements into one agreement that will be collectively referred to as “Consolidated Transit Way Agreement” to allow for consistent management of the transit way throughout the City of SeaTac.
- Upon execution of this Consolidated Transit Way Agreement, the transit way related provisions contained in the three prior transit way agreements will be terminated and superseded by this Consolidated Transit Way Agreement.

### Background

On February 16, 2006, Sound Transit and the city entered into a Development and Transit Way Agreement for the Central Link Light Rail Airport Link Project (“the 2006 Agreement”).

On July 20, 2012, Sound Transit and the city entered into a Development and Transit Way Agreement for the South 200<sup>th</sup> Link Extension Project (“the 2012 Agreement”).

On April 10, 2019, Sound Transit and the city entered into an Agreement for Grant of Non-Exclusive Use of a Light Rail Transit Way as Related to the Federal Way Link Extension Light Rail Transit Project (“the 2019 Agreement”).

In 2019, Sound Transit and the city executed Letter of Concurrence 004 indicating their mutual commitment to develop one consolidated transit way agreement.

The city and Sound Transit desire to consolidate the related provisions of the three existing transit way agreements into one consistent agreement that will be collectively referred to as the “Consolidated Transit Way Agreement” to grant a non-exclusive use of a Light Rail Transit Way in the city with appropriate terms and conditions that will satisfy the Federal Transit Administration’s continuing control requirements.

The city and Sound Transit agree that the 2019 Agreement serves as the baseline agreement for the purposes of consolidation. Conflicting language between all three agreements was resolved in favor of the 2019 Agreement.

The city and Sound Transit agree and acknowledge that effective upon execution of this Consolidated Transit Way Agreement, the transit way related provisions referenced under the 2009, 2016, and 2019 Agreements will be terminated and superseded by this Consolidated Transit Way Agreement.

The city and Sound Transit agree and acknowledge the remaining provisions in the development agreements incorporated in the 2006 and 2012 Agreements remain in effect until such provisions are satisfied per the prior agreements.

**Project status**

○					
<b>Project Identification</b>	<b>Alternatives Identification</b>	<b>Conceptual Engineering/ Draft EIS</b>	<b>Preliminary Engineering/ Final EIS</b>	<b>Final Design</b>	<b>Construction</b>

Projected completion date for Construction Phase: Currently under review

Project scope, schedule and budget summary are located on page 50 of the September 2022 Agency Progress Report.

**Fiscal information**

Although there is no direct fiscal impact associated with the proposed action, the approval of the agreement granting non-exclusive use of a light rail transit way within the City of SeaTac right-of-way does establish conditions of which fiscal actions may be required. Those impacts will be covered through the project budget.

**Disadvantaged and small business participation**

Not applicable to this action.

**Public involvement**

Not applicable to this action.

**Time constraints**

A one-month delay would not create a significant impact.

**Prior Board/Committee actions**

Motion No. M2019-16: Authorized the chief executive officer to execute a Transit Way Agreement with the City of SeaTac to grant Sound Transit non-exclusive use of a light rail transit way within City right-of-

way to construct, operate, maintain, and own a light rail transit system for the Federal Way Link Extension.

Motion No. M2012-40: Authorized the chief executive officer to (1) execute a Development and Transitway Agreement with the City of SeaTac for the South Link - Airport to South 200th Street Project, specifying the term and conditions for the development of the project from SeaTac/Airport Station to South 200<sup>th</sup> Street, and establishing the use of City of SeaTac public right-of-way, and (2) to execute all other subsequent agreements with the City of SeaTac as may be necessary to implement this Agreement for a total authorized expenditure not to exceed \$3,442,300.

Motion No. M2006-12: Authorized the Chief Executive Officer to execute a Development and Transitway Agreement with the City of SeaTac for the Airport Link Project of the Central Link Light Rail, specifying the terms and conditions for development of the Airport Link Project between the Tukwila International Boulevard Station and the SeaTac/Airport Station and establishing the use of City of SeaTac street right-of-way, and to execute all other subsequent agreements with the City of SeaTac as may be necessary to implement this agreement for a total authorized expenditure not to exceed \$7,416,808.

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**Environmental review – KH 11/22/22**

**Legal review – AJP 12/2/22**



## Motion No. M2022-96

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a Consolidated Transit Way Agreement with the City of SeaTac to grant Sound Transit non-exclusive use of a light rail transit way within city right-of-way to construct, operate, maintain, and own a light rail transit system.

### Background

On February 16, 2006, Sound Transit and the city entered into a Development and Transit Way Agreement for the Central Link Light Rail Airport Link Project (“the 2006 Agreement”).

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The city and Sound Transit agree that the 2019 Agreement serves as the baseline agreement for the purposes of consolidation. Conflicting language between all three agreements was resolved in favor of the 2019 Agreement.

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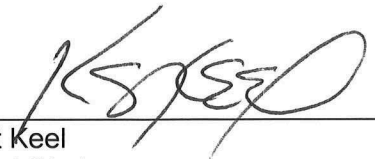
The city and Sound Transit desire to consolidate the related provisions of the three existing agreements into one agreement that will be collectively referred to as “Consolidated Transit Way Agreement” to allow for consistent management of the transit way throughout the City of SeaTac.

Upon execution of this Consolidated Transit Way Agreement, the transit way related provisions contained in the three prior transit way agreements will be terminated and superseded by this Consolidated Transit Way Agreement

**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 a Consolidated Transit Way Agreement with the City of SeaTac to grant Sound Transit non-exclusive use of a light rail transit way within city right-of-way to construct, operate, maintain, and own a light rail transit system

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 15, 2022.

  
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Kent Keel  
Board Chair

**Attest:**

  
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Kathryn Flores  
Board Administrator