

RESOLUTION NO. 3283

A RESOLUTION of the Port Commission of the Port of Seattle authorizing the Executive Director to enter into a Memorandum of Understanding among the principal parties of the Freight Action Strategy for the Seattle-Tacoma (FAST) Corridor for the purpose of setting out the mutually agreed upon steps along the Tacoma-to-Everett rail corridor and to assist the Port of Seattle in its plans to meet its share of the program's costs and responsibilities

WHEREAS, the assurance of continued freight and passenger mobility throughout the Puget Sound is an issue of critical strategic importance to the Port, and

WHEREAS, projected growth in cargo volumes and the implementation of commuter rail service by the Central Puget Sound Regional Transit Authority are expected to generate more frequent mainline rail traffic, with a projected increase in traffic congestion at many of the at-grade crossings along major arterials; and

WHEREAS, representatives of the Port of Seattle, the Washington State Department of Transportation, the Puget Sound Regional Council, the ports of Tacoma and Everett, King County, Pierce County and Snohomish County, The Burlington Northern Santa Fe Railway Company, the Union Pacific Railroad Company, and the cities of Tacoma, Puyallup, Sumner, Pacific, Algona, Auburn, Kent, Renton, Tukwila, Seattle and Everett, all located along the Everett-Seattle-Tacoma corridor, have reached consensus and recommended the projects shown in Attachment A to Exhibit A of this Resolution as an "immediate priority" program of projects that together form the first phase of an integrated freight mobility strategy, and

WHEREAS, the Port of Seattle has previously committed resources for its share for environmental assessment, planning and pre-design of some of the "immediate priority" projects,

WHEREAS, a Memorandum of Agreement which will detail procedures for funding and disbursement of funds, cost overruns, scheduling requirements and other factors among the FAST Corridor principal parties will subsequently come before the Port Commission for review and approval,
NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle that

Section 1. The Executive Director is hereby authorized to execute a Memorandum of Understanding among the Principal Parties of the Freight Action Strategy for the Seattle-Tacoma (FAST) Corridor, in substantially the same form attached hereto as Exhibit A and by this reference incorporated herein

Section 2 A copy of the final executed Memorandum of Understanding shall be attached to this Resolution as Exhibit B

Section 3 The Executive Director may execute such administrative amendments to the final executed Memorandum of Understanding as may be agreed upon by the parties from time to time. The Executive Director shall advise the Commission of all such amendments within thirty (30) days of the date of execution

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof, held this 14th day of July, 1998, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission

Gary Grant
Patricia Davis
Paige R. Miller

Port Commission



Proposed:
Memorandum of Understanding
Among the principal parties of the
FAST Corridor

This Memorandum of Understanding is entered into among the signatory parties as an effort to articulate a set of mutually agreed upon steps to enhance freight mobility along the Tacoma-to-Everett rail corridor. This memorandum is intended to communicate how the FAST Corridor partnership is envisioned by its cooperating member agencies, to assist each agency to plan towards meeting its share of the program's costs and responsibilities

in that spirit and context, it is agreed among the parties as follows:

Premises:

- 1 The name "FAST Corridor" refers to a series of related but independent projects which when completed will systematically improve freight movement and mitigate the impacts of increasingly intensive use of the north-south rail corridor between Everett and Tacoma
- 2 The fast, efficient and reliable movement of freight is vital to the economic health and well-being of the Puget Sound Region, the state of Washington and the nation as a whole
- 3 International trade in, out and through the Puget Sound ports, as well as general freight into, out of and within the Puget Sound Region, is experiencing increasing congestion due to more intensive use of rail corridors, the general growth of freight, and growth in other vehicular traffic of the region.

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- 4 Representatives of the Washington State Department of Transportation, the Puget Sound Regional Council, the ports of Seattle, Tacoma and Everett, King County, Pierce County and Snohomish County, The Burlington Northern and Santa Fe Railway Company, the Union Pacific Railroad Company, and the cities of Tacoma, Puyallup, Sumner, Pacific, Algona, Auburn, Kent, Renton, Tukwila, Seattle, and Everett, all located along the Everett-Seattle-Tacoma corridor, have met, discussed, analyzed, reached consensus, and recommended the projects shown in Attachment A as an "immediate priority" program of projects that together form the first phase of an integrated freight mobility corridor strategy
- 5 This integrated freight mobility corridor strategy is consistent with the Puget Sound Regional Council's Metropolitan Transportation Plan.
- 6 Recent processes to assess statewide freight priority needs have identified the FAST Corridor program as having high priority and statewide impact.
- 7 Members of the U S congressional delegation from Washington State are on record in support of federal funding participation in the FAST Corridor program.
- 8 King and Pierce counties, the ports of Seattle and Tacoma, and local cities have already invested funds to advance individual project elements of the FAST Corridor program
- 9 Implementation of the FAST Corridor will be enhanced if each party can safely anticipate that the other parties will be committed to a pre-agreed share of the cost in order to fully fund the immediate priority program shown in Attachment A.
- 10 All funding partners will need assurance that their expected participation will be tied to the total program costs agreed to and shown in Attachment A and will not be expected to grow as individual project cost estimates are refined during the project development process.

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Understandings:-

- 1 Attachment A lists those FAST Corridor projects which will improve access to port areas and resolve modal conflicts at railroad grade crossings and will complement investment by the railroads, the Regional Transit Authority and the State to improve the overall capacity and reliability of the mainline rail corridor for both freight and passenger operations.
2. The projects shown in Attachment A are deemed to be the highest priority of the FAST Corridor projects, and they are to be considered collectively as a single "corridor" program.
3. The implementing agencies for the projects shown in Attachment A, the ports of Seattle and Tacoma, and the two mainline railroads collectively acknowledge that they, collectively, will be expected to provide 25% of the total program cost for the projects listed in Attachment A, subject to the following conditions.
 - a) that federal and state funding commitment is obtained to fund the full remainder of the FAST Corridor program shown in Attachment A,
 - b) that total program cost estimates are managed to remain within the total program cost shown in Attachment A, and
 - c) that upon full funding all parties enter into a Memorandum of Agreement formally committing to funding responsibilities, cost controls, and other conditions of the partnership.
- 4 The 25% portion of the program cost to be borne by the implementing agencies, the ports of Seattle and Tacoma, and the two mainline railroads are expected to be divided as follows.

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- a) the ports of Seattle and Tacoma, and the two mainline railroads, will be expected to fund 15% of the aggregate cost for the total program shown in Attachment A under the conditions described above, and
 - b) agencies responsible for implementation of individual projects are expected to fund 10% of the cost of the individual projects they will implement, using their own funds or other funding sources, and including funds previously expended to develop each project in advance of full program funding
- 5 Each individual project shown in Attachment A is the implementing agency's responsibility to design, permit, and construct as a normal matter of course in capital project development, and implementation of any individual FAST Corridor project will be dependent upon funding authorization by the party or parties responsible for that project.
- 6 The existing FAST Corridor Agency Staff Team will continue to meet in order to monitor and promote both the immediate priority program shown in Attachment A and other identified FAST Corridor priorities, and to facilitate communications and agreements needed to implement these understandings.
- 7 All parties agree to maintain this understanding until September 30, 1999, or until it is superseded by a subsequent memorandum of understanding or agreement
- 8 This memorandum does not create any legally enforceable rights or obligations on the part of any of the signatory agencies. Nor is this MOU intended to resolve implementation issues such as how costs will be monitored and responsibility for cost overruns and escalation will be assigned, recognizing that these issues will have to be addressed in detail by a formal Memorandum of Agreement upon receipt of major funding assurance from the State and/or Federal governments

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Signed by:

**Washington Department of Transportation
King County
Pierce County
Snohomish County
Port of Seattle
Port of Tacoma
Port of Everett
City of Seattle
City of Tacoma
City of Everett
City of Auburn
City of Kent
City of Tukwila
City of Puyallup
City of Sumner
City of Renton
City of Pacific
City of Algona
The Burlington Northern & Santa Fe Railway
Union Pacific**

Endorsed by:

Puget Sound Regional Council

ATTACHMENT A:**FAST Corridor Projects for
Immediate Implementation**

<u>Project Name</u>	<u>Implementing Agency</u>	<u>Cost*</u>
California St.	Port of Everett	\$ 10.0 million
E. Marine View Drive	City of Everett	6.1
38 th St. Extension	City of Everett	16.0
Spokane St.	City of Seattle	45.0
Royal Brougham (SR 519)	WSDOT	100.2
E. Marginal Way	City of Seattle	19.0
S. 180 th St.	City of Tukwila	12.0
S. 277 th St.	City of Auburn	24.0
3 rd St. SW / BNSF crossing	City of Auburn	22.0
8 th St. / BNSF crossing	Pierce County	10.0
Shaw Rd. Extension	City of Puyallup	15.0
Canyon Rd. Extension	Pierce County	6.0
'D' St.	City of Tacoma	22.5
Port of Tacoma Rd	Port of Tacoma	22.2
SR 167 (R/W only)	WSDOT	24.4
	TOTAL PROGRAM:	\$354.4 million

*Cost shown for FAST Corridor portion of each project; in some cases the FAST project may be a component or stage of a larger project.