

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5f

Date of Meeting July 28, 2009

DATE: July 8, 2009

TO: Tay Yoshitani, Chief Executive Officer

FROM: Michael Burke, Senior Manager, Container Leasing and Operations
Catherine Chu, Capital Project Manager IV

SUBJECT: Execution of a Pedestrian Crossing Construction and Maintenance Agreement with BNSF at Klickitat Ave SW for the Terminal 18 Expansion Project

ACTION REQUESTED:

Port staff requests Commission authorization for the Chief Executive Officer to execute a pedestrian crossing construction and maintenance agreement with BNSF at Klickitat Ave SW for the T18 expansion project.

SYNOPSIS:

In December 1996, the Commission approved \$66 million for initial funding for the Terminal 18 expansion project, which included expenditures for street vacations. The port later petitioned and received City of Seattle conditional approvals for vacating streets on Harbor Island. The Klickitat Ave pedestrian crossing is one of the conditions related to the street vacations that the Port must meet. Not complying with the street vacation conditions may result in the City's ultimate cancellation of the street vacations, which could result in up to a million dollars of annual street use permit fees for the Port. The attached BNSF agreement stipulates that the Port will perform construction of sidewalks approaching BNSF tracks. Port will reimburse BNSF to do work on their tracks, and to provide flagging and inspections services.

FINACIAL IMPLICATIONS:

The total cost of the Klickitat pedestrian crossing project is estimated to be about \$325K. It's within the budget of the Commission previously authorized T18 Expansion Project. No additional project funding is necessary. Port Construction Services will use its own labor to construct the sidewalk approaching BNSF tracks for about \$250K. The agreement will allow the port to reimburse BNSF for work on their tracks, and for flagging and inspections services, for about \$50,000 to \$75,000. The agreement further commits the port to future maintenance of the improvements within public right-of-way. We expect that the actual maintenance costs for the concrete sidewalk, once constructed, will be less than \$5K per year. Port Legal and Risk Management have reviewed the agreement and advised as to the risks.