

July 26, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Calvin Chow, Analyst
Subject: CB 120138 - Condemnation authority for the Terminal 5 Quiet Zone

On August 18, 2021, the Transportation and Utilities Committee will consider and possibly vote on Council Bill (CB) [120138](#) to authorize condemnation authority for property rights necessary to implement a quiet zone to support freight operations at the Port of Seattle's (Port's) Terminal 5 facility.¹

Background

In 2014, the Port began planning and design efforts to accommodate larger cargo vessels at Terminal 5 and allow for an increased volume of freight container transfers to rail and truck transportation. By 2018, the Port had secured the necessary permits for the redevelopment of Terminal 5, including a Master Use Permit (MUP) and a shoreline permit from the City of Seattle. The Port began construction on the Terminal 5 project in 2019, and completion of Phase 1 of the project is anticipated by the end of 2021.²

Consistent with the MUP conditions, the Port and the Seattle Department of Transportation (SDOT) are pursuing a quiet zone designation from the U.S. Federal Railroad Administration (FRA) for the railway approach from the west end of the Duwamish railway bridge to the Terminal 5 gate. A quiet zone designation would exempt train operators from rules requiring trains to sound horns when approaching street crossings and would mitigate noise impacts due to increased rail operations at Terminal 5. The Port and SDOT signed a Memorandum of Understanding (MOU) to Establish a Railroad Quiet Zone, dated August 29, 2017.³

To secure FRA approval of the quiet zone designation, SDOT has designed improvements to consolidate and manage the five existing rail crossings in the corridor. The project improvements will result in one public crossing, one public emergency crossing, a bike and pedestrian crossing, and one private one-way crossing. The project also includes a multi-use trail for bicyclists and pedestrians, signal improvements, and minor streetscape improvements. These improvements will be constructed by SDOT and are fully funded by the Port.⁴

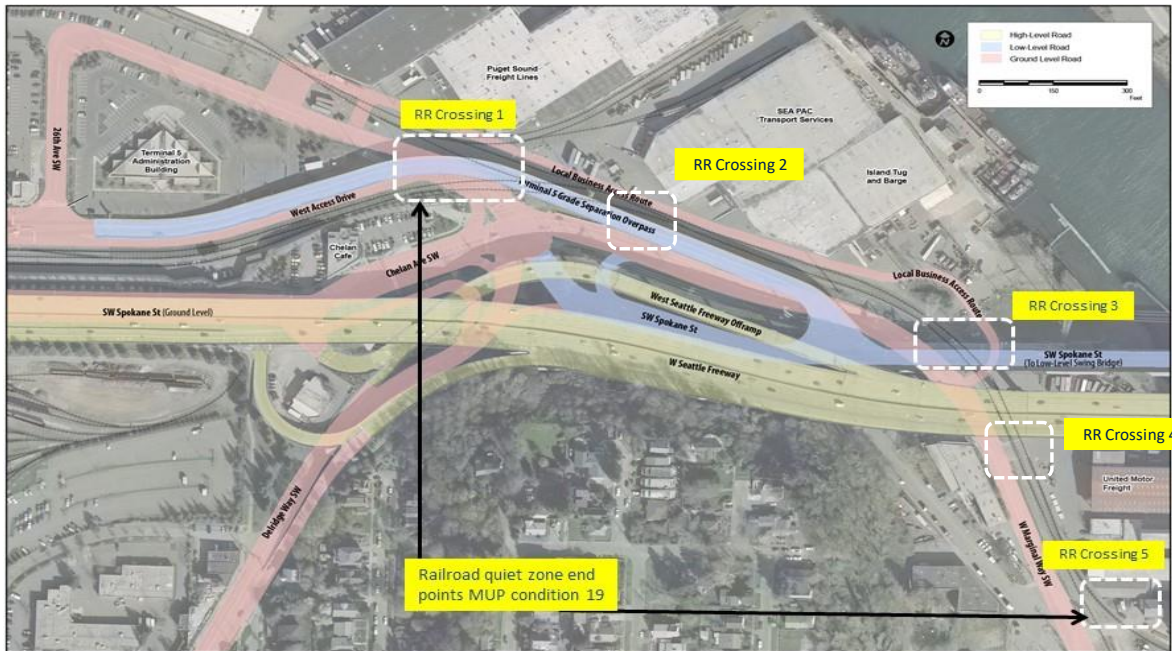
¹ The Terminal 5 improvement project is managed under the auspices of both the Port and the Northwest Seaport Alliance (NWSA). The Port's project webpage is available [here](#); the NWSA's project webpage is [here](#).

² Phase 1 of the Terminal 5 project involves reconstruction of the north berth and electrical system upgrades to the facility. Phase 2 involves reconstruction of the south berth, delivery of new cranes, and dredging of the north and south berths.

³ The August 29, 2017 MOU was subsequently amended on May 2, 2021.

⁴ Appropriations for the quiet zone improvements are included in SDOT's Freight Spot Improvement Program CIP project.

The following illustration shows the extent of the proposed quiet zone and the complicated roadway pattern in the area. The locations of the existing railway crossings are also shown.



Proposed Legislation

To implement the quiet zone improvements, SDOT has identified the need to acquire real estate interests including one partial fee acquisition, five temporary construction easements, and a permit from the BNSF Railway. CB 120138 would authorize SDOT to acquire these property rights and would authorize the City Attorney to commence condemnation proceedings, if necessary.

Securing these property rights would allow SDOT to maintain the project schedule for implementation of the quiet zone and thus support freight operations at Terminal 5. Without condemnation authority, SDOT would rely on voluntary negotiations with property owners; if property rights cannot be acquired, SDOT may have to reconsider the proposed project improvements and the FRA quiet zone proposal.

The proposed legislation also specifies the method of payment as required by RCW [8.12.040](#),⁵ and it provides that the City will be reimbursed by the Port per the terms of the August 2017 MOU as amended.

Pursuant to RCW [8.25.290](#), SDOT will provide formal notice to the potentially impacted property owners and to the public that CB 120138 will be heard at the August 18, 2021 meeting

⁵ The proposed legislation identifies the Transportation Fund as the source of funds, which is considered part of the City's General Fund for the purposes and requirements of RCW 8.12.040.

of the Transportation and Utilities Committee and, if approved, be forwarded to the September 7, 2021, Full Council meeting for Final Action. No separate public hearing is required; the committee's regular public comment period satisfies state law requirements.

Please contact me if you have any questions or concerns.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager