

**BILL SUMMARY & FISCAL NOTE**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>Executive Contact/Phone:</b>
Seattle Public Utilities	Bob Gambill/4-5960	Aaron Blumenthal/3-2656

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights as being surplus to the City’s municipal utility needs; granting an easement to Burlington Northern Railway Company, for limited purposes, over and across the City’s Cedar River Pipeline #4 right of way (a.k.a. Bow Lake Pipeline), King County Assessor Parcel number 0005800017.

**Summary and background of the Legislation:**

This proposed ordinance would authorize the Director of Seattle Public Utilities to grant to Burlington Northern Railway Company (BSNF) a non-exclusive easement for limited purposes over and across City of Seattle Cedar River Pipeline #4 (a.k.a. “Bow Lake Pipeline”) right of way (ROW). The location is east of Southcenter and near the Longacres area in Renton, adjacent to the Tukwila city limits.

BSNF owns a North-South ROW along the border between the Cities of Renton and Tukwila. The City owns an East-West ROW for its Cedar River Pipeline #4 in the same general area. Where the City’s pipeline crosses BSNF’s ROW, the City has acquired a permit from BSNF. The permit assigns any and all pipeline protection responsibility to the City.

BNSF needs to add a new Main Line Track 3 to the existing BNSF ROW to serve Sound Transit’s Tukwila Station. BNSF needs to acquire an additional 50 feet of right of way to the east of its ROW for the new Main Line Track 3, a service road, and communications purposes. At the point where the tracks cross the City’s pipeline, the additional 50 feet extends into the City’s ROW.

BNSF’s construction of the new track will require additional fill to be placed over the City’s water transmission pipeline, which has the potential to damage the water transmission pipeline by causing ground settlement.

In exchange for the City’s grant of this easement, BNSF has agreed to build a pipeline protection system that would prevent ground settlement around the City’s pipeline, at no cost to the City.

The City will benefit from this transaction by not having to spend water rate revenue on the pipeline protection system, which is estimated to cost significantly more than the value of the easement.

BNSF also benefits from this transaction by completing a 50-foot wide road and communications corridor along its existing ROW, as BNSF has already acquired the corridor from property owners north and south of the City's ROW.

Commuters will benefit from the enhanced commuter rail services between Seattle and Sound Transit's Tukwila Station

## 2. CAPITAL IMPROVEMENT PROGRAM

       This legislation creates, funds, or amends a CIP Project.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Cost:
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## 3. SUMMARY OF FINANCIAL IMPLICATIONS

  X   This legislation does not have direct financial implications.

## 4. OTHER IMPLICATIONS

a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**

No. The easement will place a minimal encumbrance on the City's ROW in perpetuity; however, it will not interfere with the primary purpose of the ROW for water transmission pipeline purposes.

b) **Is there financial cost or other impacts of not implementing the legislation?**

Not implementing the legislation would result in the City declining BNSF's easement request. This would cause BNSF to require the City to pay for the pipeline protection system, which would be consistent with the permit BNSF has given the City for the City's pipeline to cross BNSF's ROW. The pipeline protection system is estimated to cost at least \$250,000.

**c) Does this legislation affect any departments besides the originating department?**

No

**d) Is a public hearing required for this legislation?**

Yes. RCW 35.94.040 requires a public hearing be held when disposing/surplussing property originally acquired for municipal utility purposes.

**e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

**f) Does this legislation affect a piece of property?**

Yes. See Exhibits A and B attached.

**g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

This legislation does not unfairly impact any particular population or community.

**h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

NA

**i) Other Issues:**

None

**List attachments below:**

Exhibit A – Area Location Map

Exhibit B – Burlington Northern Easement Location