



Legislation Text

File #: CB 120677, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE authorizing the Seattle Department of Transportation Director to approve the transfer of the railway franchise granting the right, privilege, and accompanying authority to locate, lay down, construct, maintain, own, and operate standard gauge railway tracks along the Burlington Northern and Santa Fe Railway Company's former Washington Branch Line right-of-way, between 6th Avenue NW and NW 67th Street, from the Ballard Terminal Railroad Company to the Meeker Southern Railroad, subject to the operating agreement and all other conditions approved under Ordinance 118734; and ratifying and confirming certain prior acts.

WHEREAS, in 1997, the Burlington Northern and Santa Fe Railway Company (“BNSF”) expressed its intention to abandon that part of its former Washington Branch line between BNSF Milepost 0.09 and BNSF Milepost 02.70 in the Ballard area of Seattle and the City took possession of this rail right of way to preserve the corridor for future rail and trail purposes; and

WHEREAS, in 1997, in ongoing support of rail-served businesses, Council passed Ordinance 118734, granting a franchise for this segment of rail to the Ballard Terminal Railroad Company, which was formed to provide rail service to businesses in the Ballard industrial area; and

WHEREAS, Ballard Terminal Railroad Company now wishes to transfer the franchise agreement to its related entity, Meeker Southern Railroad, for the remainder of the 30-year term, which expires on September 29, 2027, subject to all conditions approved under Ordinance 118734; and

WHEREAS, Ballard Terminal Railroad and Meeker Southern Railroad agree that the City may cover a section of the tracks near the 15th Avenue Northeast bridge with asphalt; and

WHEREAS, Meeker Southern Railroad agrees that it will not seek to renew use of the section of rail to be covered by asphalt unless it first obtains insurance to operate in that area pursuant to the terms of the

franchise and operating agreement; and

WHEREAS, Meeker Southern Railroad has agreed that should it obtain insurance and seek to renew rail use of the portion of the rail line to be covered by asphalt, the City will be given the time necessary to reroute the existing multi-use path that crosses the rail line to a different location before the asphalt is removed; and

WHEREAS, Meeker Southern Railroad and the City have agreed to modifications to the current Operating Agreement and Assignment of the Operating Agreement to Meeker Southern Railroad contingent on the passage of this ordinance; and

WHEREAS, Meeker Southern Railroad will obtain insurance for the portion of the rail line it seeks to use and occupy before commencing operations; and

WHEREAS, Ballard Terminal Railroad, Meeker Southern Railroad, and the City agree that this transfer shall not alter any of the legal rights or claims that the parties may have against one another; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City consents to and approves an assignment of the Franchise Agreement memorialized by Ordinance 118734, with all the rights, privileges, conditions and terms consistent with the Ordinance 118734, from Ballard Terminal Railroad Company to Meeker Southern Railway.

Section 2. The Seattle Department of Transportation Director is authorized to approve an Operating Agreement consistent with the above recitals and the provisions of Ordinance 118734 to Meeker Southern Railway, substantially in the form of the agreement attached to this ordinance as Attachment 1, and any contingency in an amendment or assignment of the Operating Agreement to Meeker Southern Railroad is satisfied by the enactment of this ordinance.

Section 3. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Operating Agreement between Seattle Department of Transportation, Ballard Terminal Railroad Company, and Meeker Southern Railway.