

City Light Issue Paper (CLIP) Acceptance of Indemnity Provisions UPRR, BNSF, and WSDOT Permits for Electric Line Crossings

Date of this Brief	July 5, 2012		
Supersedes	N/A		
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	Lynn Best	6-4586	SCL Director, Env Affairs & Real Estate
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	John Bresnahan	4-3324	SCL Sr. Real Property Agent
Council Action Required?	Y	If YES, within the next 3 months?	Y
Public Hearing Required?	N		
Presenters (if applicable)	Lynn Best and Dave Barber		

Summary Statement

This legislation will allow City Light to enter into permits with indemnity provisions for electric line crossings of real property owned by Union Pacific Railroad Company (UPRR), Burlington Northern Santa Fe Railroad Company (BNSF), and the Washington State Department of Transportation (WSDOT), related to the Creston-Nelson to Duwamish Transmission Line Rebuild and the New 26kV Distribution Feeder Projects.

Background

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City Light must rebuild the existing high-voltage transmission line between its Creston-Nelson Substation and East Marginal Way South due to deterioration of the support structures, and at the same time, construct a new 26kV overhead feeder system from its Creston-Nelson Substation to the project terminus in the vicinity of South 120th Place and East Marginal Way South in the City of Tukwila. City Light's overhead electric lines will cross Interstate 5 just south of the overpass of the South Boeing Access Road.

City Light's electric lines will cross over, and new poles will be installed, in certain portions of UPRR, BNSF, and WSDOT properties. These organizations routinely issue permits to allow electric line crossings. These permits contain certain indemnity provisions that obligate utilities to release, indemnify, defend, and hold harmless UPRR, BNSF, and WSDOT, for damages that may be caused by or may result from the construction and operation of the electric line crossings.

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Pursuant to RCW 35.32A.070, City Council approval by ordinance is required for the acceptance of such indemnity obligations that could result in expenditures for utility purposes not contemplated in the annual budget.

Key Issues

- Legislative approval is required for the acceptance of indemnity obligations that could result in expenditures for utility purposes not contemplated in the annual budget.

Next Steps

- Execute permits with each organization.