



## Motion No. M2021-12

### Construction and Maintenance Agreement and Real Property Rights Acquisition at 5th Street NW Grade Crossing for the Puyallup Station Parking and Access Improvements Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	02/11/2021 02/25/2021	Recommend to Board Final action	Ron Lewis, DECM Executive Director <b>Jon Mihkels, Project Director</b> <b>Ken Lee, Senior Project Manager</b>

### Proposed action

Authorizes the chief executive officer to (1) execute Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup; and (2) obtain real property rights at the 5th Street NW grade crossing in the City of Puyallup for the Puyallup Station Parking and Access Improvements project for an amount not to exceed \$774,380 with a 10 percent contingency of \$77,438 for a total authorized amount not to exceed \$851,818.

### Key features summary

- The proposed Construction and Maintenance Agreement among the BNSF Railway Company (BNSF), the City of Puyallup, and Sound Transit would provide for:
  - Sound Transit to construct improvements to the existing 5th Street NW railroad grade crossing in the City of Puyallup as part of the Puyallup Station Parking and Access Improvements project;
  - Acquisition of temporary construction easements to construct the proposed improvements at the existing 5th street NW railroad crossing.
  - Transfer of improvements constructed by Sound Transit and property rights acquired from BNSF to the City of Puyallup to own and maintain following completion of the project.
- Sound Transit's design build contractor, Hensel Phelps Construction Co., will design and construct the road and civil related crossing improvements as part of the design build contract awarded in December 2019.
- Sound Transit will reimburse BNSF for design review, final connection to BNSF's system, and any crossing equipment that may need to be relocated due to the design.

### Background

In November 2008, the voter approved ST2 Plan included funding for access improvements to the Puyallup Sounder Station. During the process of refining the projects included in the ST2 plan, the Sound Transit Board responded to community concerns by calling for a Sounder Access and Demand Study. The study evaluated potential access improvements to eight existing Sounder stations including Puyallup. The study provided a range of potential access improvement projects that Sound Transit could implement in full or in part, that would allow riders to use alternative modes of travel to the Puyallup Station.

The project builds on the results of the Sounder Station Access and Demand Study. The initial phase of the project evaluated parking, traffic, pedestrian, and bicycle access improvements that could be made to improve rider access to the Puyallup Sounder Station.

Sound Transit issued a Determination of Non-significance under the State Environmental Policy Act (SEPA) on February 17, 2016. The Federal Transit Administration concurred that the Project qualified as a categorical exclusion as described in its National Environmental Policy Act (NEPA) Rules. On April 28, 2016, the Sound Transit Board selected the project to be built through Resolution No. R2016-07.

In December 2019, through motion No. M2019-110, the Sound Transit Board provided authorization for the chief executive officer to award the contract to the highest scoring design-build contractor. Notice to Proceed was issued to Hensel Phelps on March 26, 2020.

## Project status

○					
<b>Project Identification</b>	<b>Project Refinements</b>	<b>Conceptual Engineering/ Environmental Review</b>	<b>Preliminary Engineering</b>	<b>Final Design</b>	<b>Construction</b>

Projected Substantial Completion Date: 1Q 2022

Project scope, schedule and budget summary are located on page 149 of the November 2020 Agency Progress Report.

## Fiscal information

This action is within the baseline budget and sufficient monies remain after approval of this action to fund the remaining work in the construction phase and right of way phases.

The baseline budget for the Puyallup Station Parking and Access Improvements project is \$79,100,000. The action with BNSF Railway Company and the City of Puyallup for \$851,818 includes spending in two separate phases.

Within the construction phase, \$1,750,000 has been set aside in the budget line item for BNSF Railway Company. The action would commit an additional \$821,395 to this line item and leave a budget balance of \$143,036.

Within the right of way phase, \$4,063,000 has been set aside in the budget line item for Right of Way Acquisition. The action would commit an additional \$30,423 to this line item and leave a budget balance of \$26,020.

## Puyallup Station Access Improvements

(in thousands)

Project Phase	Baseline Budget	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$4,574	\$2,936		\$2,936	\$1,638
Preliminary Engineering	2,672	2,668		2,668	4
Final Design					
Third Party	330	51		51	279
Right of Way	6,627	6,214	30	6,244	383
Construction	59,761	57,667	822	58,489	1,272
Construction Services	5,136	4,997		4,997	139
Vehicles					
<b>Total Current Budget</b>	<b>\$79,100</b>	<b>\$74,533</b>	<b>\$852</b>	<b>\$75,385</b>	<b>\$3,715</b>
<b>Phase Detail - Right of Way</b>					
ROWPR Take	4,063	4,007	30	4,037	26
Other Right of Way	2,564	2,208		2,208	356
<b>Total Phase</b>	<b>\$6,627</b>	<b>\$6,214</b>	<b>\$30</b>	<b>\$6,245</b>	<b>\$382</b>
<b>Phase Detail - Construction</b>					
DB Parking Garage	\$50,602	\$50,600	\$	\$50,600	\$2
WBO - BNSF	1,750	785	822	1,607	143
Other Construction	7,409	6,282		6,282	1,127
<b>Total Phase</b>	<b>\$59,761</b>	<b>\$57,667</b>	<b>\$822</b>	<b>\$58,489</b>	<b>\$1,272</b>

Contract Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
<b>BNSF and City of Puyallup</b>				
BNSF Contract Amount (Construction)	\$	\$711	\$744	\$1,455
BNSF Contract Amount (ROW)		33	30	63
BNSF Contingency		74	78	152
<b>Total Contract</b>	<b>\$</b>	<b>\$818</b>	<b>\$852</b>	<b>\$1,670</b>
Percent Contingency	0%	10%	10%	10%

### Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed and PO Contingency Remaining as of 12/31/2020.

For detailed project information, see page 73 of the 2021 Proposed Finance Plan and Budget.

## Disadvantaged and Small business participation

Not applicable to this action.

## Public involvement

Not applicable to this action.

## Time constraints

A one-month delay on this action would not create a significant impact to the project schedule.

## Prior Board/Committee actions

Motion No. M2019-110: Authorized the chief executive officer to execute a contract with Hensel Phelps Construction Co. to provide design-build services for the Puyallup Station Parking and Access Improvement project in the amount of \$45,994,000, with a 10 percent contingency of \$4,606,000, for a total authorized contract amount not to exceed \$50,600,000.

**Environmental review – KH 2/5/21**

**Legal review – JW 2/5/21**

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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to (1) execute Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup; and (2) obtain real property rights at the 5th Street NW grade crossing in the City of Puyallup for the Puyallup Station Parking and Access Improvements project for an amount not to exceed \$774,380 with a 10 percent contingency of \$77,438 for a total authorized amount not to exceed \$851,818.

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## Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to (1) execute Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup; and (2) obtain real property rights at the 5th Street NW grade crossing in the City of Puyallup for the Puyallup Station Parking and Access Improvements project for an amount not to exceed \$774,380 with a 10 percent contingency of \$77,438 for a total authorized amount not to exceed \$851,818.

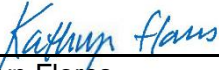
APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 25, 2021.



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Paul Roberts  
Board Vice Chair

### Attest:



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Kathryn Flores  
Board Administrator