

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2003-51

**Agreement with City of Kent for Construction of Remaining Street and Traffic Improvements to
which Sounder Committed around the Kent Commuter Rail Station**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	5/1/03	Discussion/Possible Action	Martin Minkoff Director, Sounder Commuter Rail	(206) 398-5111

OBJECTIVE OF ACTION

- To complete the remaining station-related street and traffic improvements around the Kent Commuter Rail Station, to which Sounder is committed under the terms of the Conditional Use Permit for the Kent Commuter Rail Station.
- To transfer obligation for the actual construction of all remaining station-related street and traffic improvements to the City of Kent in exchange for \$1,376,000.

ACTION

Authorize the Executive Director to execute the Second Amendment to the Transportation Improvement Agreement (TIA) with the City of Kent for the purpose of delegating the task of completing all remaining street and traffic improvements around the Kent Commuter Rail Station in accordance with, and in satisfaction of all street and traffic improvement mitigation as provided in Sound Transit's Conditional Use Permit for the Kent Commuter Rail Station for \$1,376,000, including \$914,000 as a credit and a \$462,000 payment from Sound Transit.

KEY FEATURES

- Establishes that Sound Transit has no further capital or construction obligations within the City of Kent, except for some remaining railroad crossing safety improvements related to train operations rather than to the Kent Commuter Rail Station.
- Relieves Sound Transit of any further permit fees and permit obligations.
- Transfers the remaining costs and responsibilities for the following Sounder station street and traffic improvements to the City of Kent:
 - Reconstruct (widening, paving, curbs, drainage, sidewalks, lighting and curb radii) Pioneer Street between Railroad Avenue and Central Avenue, primarily to facilitate bus access and egress to/from the station.
 - Purchase and install new traffic signals at Pioneer Street and Central Avenue
 - Widen, re-pave, and add curbs, gutters, sidewalks, landscaping, lighting, curb radii and undergrounding of utilities on the westerly half of First Avenue between Smith Street and Temperance Street.

- Complete remaining improvements on the easterly half of Railroad Avenue south of James Street, along property Sound Transit owns and on which Sounder has parking facilities.
- Purchase and install new traffic signals and crosswalks at the intersection of Smith Street and Second Avenue.
- Construct a left-turn pocket from eastbound Smith Street to Second Avenue, and related traffic/safety improvements in the general area of the Smith/Second intersection.
- Construct a left-turn pocket from Smith Street to Railroad Avenue, and related traffic/safety improvements in the general area of the Smith/Railroad intersection
- Reduces the City's committed share of \$4 million to build a parking structure rather than a surface lot at the Kent Commuter Rail Station by \$914,000 as credit for its street and traffic improvement work under this Agreement.
- Obligates Sound Transit to pay an additional \$462,000 to the City of Kent.
- Upon Sound Transit's \$462,000 payment and conveyance of the specified right of way to the City of Kent, the City would grant the occupancy permit for the entire garage.
- Completes the commuter rail elements of Sound Move in Kent.

BUDGET IMPACT SUMMARY

Project Description: Agreement with City of Kent for Construction of Remaining Street and Traffic Improvements to which Sounder committed around the Kent Commuter Rail Station.

Current Status: The project elements covered by the subject Agreement are currently at approximately 95% design level.

Projected Completion Date: Construction, undertaken by City via the subject Agreement, should be completed in the first half of 2004.

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	N		

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

All costs for the construction of remaining street and traffic improvements around the Kent Commuter Rail station are budgeted for within the Sounder Kent Station project capital budget. Adequate funds for this activity are included for the 2003 fiscal year within the Board-adopted 2003 budget.

Through the Kent Commuter Rail Station Parking Structure Interlocal Agreement, the city had agreed to pay Sound Transit \$4 million. This second amendment to the TIA will waive the remaining \$914,000 of that original \$4 million owed to Sound Transit.

City of Kent Parking Structure Agreement	
Agreement Amount	\$ 4,000,000
1st Payment Received 11/01	\$(2,000,000)
Kent Grant received directly	\$ (891,000)
Subtotal	\$ 1,109,000
Work performed by City of Kent	\$ (195,000)
Ending Balance	\$ 914,000

This amount plus the additional \$462,000 represents what Sound Transit would have otherwise expended if Sounder retained responsibility for construction of the remaining street and traffic improvements. This action will be revenue-neutral. Any further actions regarding the overall budget for Kent Station will be addressed during the 2004 budget process.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted budget and is affordable within Sound Transit's current long-term financial plan and the subarea financial capacity.

SUMMARY FOR BOARD ACTION

Summary for Board Action (Year of Expenditure \$000)

Action Item: Kent Station Improvements

	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
2 Agency Administration	1,264	1,218	-	1,218	46
3 Pre-Engineering	232	217	-	217	15
4 Final Design	1,520	1,432	-	1,432	88
5 Right of Way	8,233	8,213	-	8,213	20
6 Construction	24,484	21,336	462	21,798	2,686
8 Contingency	-	-	-	-	-
9 Total Current Budget	35,733	32,416	462	32,878	2,855

Phase Budget Detail

10 Phase 1, Basic Station	4,216	4,183	-	4,183	33
11 Phase 2, Parking Garage	9,866	9,785	-	9,785	81
12 Phase 2a, On-Site Work (ped bridge)	3,961	3,926	-	3,926	35
13 Phase 2b, Off-Site Work (City streets)	1,870	-	462	462	1,408
14 Phase 2c, Street Improvements	460	428	-	428	32
15 Misc & Minor Contracts, Permits, etc.	3,037	1,654	309	1,963	1,074
16 Construction Management	1,074	1,360	-	1,360	(286)
22 Total Phase	24,484	21,336	771	22,107	2,377

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
19 City of Kent	-	-	462	462
20 Contingency	-	-	-	-
21 Total	-	-	462	462
22 Percent Contingency	N/A	N/A	0%	0%

Budget Shortfall

Level	\$ (J)	Potential Revenues (K)	Funding Source (L)
NA	-	-	

Committed-to-date includes actuals and commitments through April 11, 2003 (HQ).

M/W/DBE – SMALL BUSINESS PARTICIPATION

This requested action would pass funds through to the City of Kent. The City would utilize these funds for construction of street and traffic improvements in the area surrounding the Kent Commuter Rail Station. City forces would perform a portion of the work and a portion would be performed by contractor(s) hired through a publicly advertised solicitation.

The City will comply with their own Minority and Women Contractors Administrative Policy, adopted as revised on January 1, 1998 for M/W/DBE and small businesses in the procurement, administration and payment for this work.

HISTORY OF PROJECT

The original Sound Move budget allocated \$6.6 million in 1995 dollars for Sounder's Kent Station. The current adopted budget for Kent Station is \$35.7 million. The increase in budget over time was in response to several changes in the eventually developed scope of the project compared to the scope as envisioned at the time of Sound Move. The additions to scope

included the environmental analysis, design, property acquisition, mitigation, and construction of such elements as:

- Parking garage with 871 stalls
- Pedestrian bridge over the BNSF tracks
- Street and traffic improvements in the area around the station

On April 30, 1999, the City issued Sound Transit a Conditional Use Permit for the Kent Commuter Rail Station. Attached, as a condition of the permit, was construction of the traffic mitigation measures outlined in a April 7, 1999, agreement entitled Transportation Improvement Agreement Between the Central Puget Sound Regional Transit Authority and the City of Kent. This transportation improvement agreement is commonly referred to as the "TIA." The TIA committed Sound Transit to funding and constructing all the remaining street and traffic improvements listed in the Key Features section of this staff report, plus the following improvements already constructed by Sound Transit:

- Pedestrian bridge, stairs and elevator tower connecting the parking garage to the northbound and southbound platforms
- Permanent surface parking lot at the southeast corner of Railroad Avenue and James Street
- Permanent surface parking lot adjacent to First Avenue at the southeast corner of First Avenue and James Street
- Eight -stall ADA accessible parking lot on the west side of Railroad Avenue, south of James Street
- Bus loading zone and turnaround on the west side of Railroad Avenue, at approximately Pioneer Street
- Paving, curbs, gutters, drainage, and lighting on the south side of Temperance Street between First and Second Avenues
- Paving, curbs, gutters, drainage, and lighting on Second Avenue between Smith and Temperance Streets
- Temporary parking lot at the northeast corner of Smith Street and Railroad Avenue
- Temporary parking lot at the northwest corner of Smith Street and Railroad Avenue
- Temporary kiss-&-ride constructed as a turn-out in the curb adjacent to First Avenue on the eastside of First Avenue
- C-curb on James Street at Railroad Avenue
- C-curb on James Street at First Avenue
- Temporary walkway on the south side of James Street between Railroad and First Avenues
- Re-paving, curbs, and sidewalks on Railroad Avenue along the frontage of all Sound Transit improvements
- Parking restriction signage along Railroad Avenue between Smith and Meeker Street
- Temporary walkway on the north side of Smith Street between the parking garage site and the east side of the railroad right-of-way
- Public open space west of the railroad right-of-way at Smith Street

These already constructed improvements were constructed under a number of construction contracts including:

- The original station construction contract
- Garage Design/Build contract,
- Kent Station Phase 2A,
- Kent Station Phase 2C, and
- a small works contract called Phase 2D.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
M2002-83	Increasing the contract contingency with PCL Construction Company for Phase 2A On-Site Work for a total authorized amount not to exceed \$3,961,000.	6/27/02
M2002-81	Increasing the contract contingency with Active Construction for Phase 2C Street Improvements for a total authorized amount not to exceed \$460,180.	6/27/02
M2002-39	Executing Contract No. RTA/CR 06-02 with Active Construction for Phase 2C Street Improvement for a total authorized amount not to exceed \$361,570.	4/4/02
M2001-48	Increasing the Kent Commuter Rail Station budget by \$1,120,000, adding \$2,060,000 to the contract contingency fund for Contract No. RTA/CR 103-00 with PCL Construction Company for construction of the Kent Commuter Rail Station Parking Garage for an additional 5 th level of parking, contingent upon executing the necessary agreements with King County to provide \$2,120,000 for parking garage construction.	5/24/01
M2001-85	Executing Contract No. RTA/CR 19-01 with PCL Construction for Kent Station Phase 2A On-Site Work for a total authorized amount not to exceed \$3,861,000.	9/6/01
R2001-10	Authorizing a Cost-to-Complete budget for Sounder Commuter Rail Tacoma-to-Seattle corridor. Kent Station: \$34,398,000.	8/9/01
M2000-95	Executing Contract No. 100-00 with PCL Construction for the design and construction of the Kent Commuter Rail Station Parking Garage to a total amount not to exceed \$7,993,445.	10/26/00
R99-20	Executing an agreement with the City of Kent for design and potential development of a parking garage for the Kent Commuter Rail Station.	8/26/99
M98-90	Selected Site 1 for Kent Commuter Rail Station Parking Garage.	12/10/98
M98-73	Designated a preferred site for the parking garage and directed staff to finalize environmental review of the parking garage.	10/22/98

CONSEQUENCES OF DELAY

Sound Transit and the City are working toward two agreements at this time: this construction agreement and an agreement for the use, operations, and maintenance of the Kent Commuter Rail Station Parking Garage.

The City would prefer that this agreement be executed as soon as possible to allow construction to begin as early in this year's construction season as possible. However, since a portion of the work is likely to be completed in 2004, there are no immediate, impending negative consequences to Sound Transit if the Finance Committee wishes more time to consider this requested action.

REGIONAL PARTNERSHIP AND COOPERATION

The City of Kent, King County Metro, and Sound Transit have worked together throughout the multi-year development of the \$35.7 million Kent Sounder station.

PUBLIC INVOLVEMENT

Sound Transit conducted public processes in concert with the Tacoma-to-Seattle Sounder project's environmental clearance and the Conditional Use Permit for Kent Station. In addition, the station was designed through Sounder's Technical Advisory Committee process.

LEGAL REVIEW

JDW 04/11/03

SOUND TRANSIT

MOTION NO. M2003-51

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute the Second Amendment to the Transportation Improvement Agreement with the City of Kent for the purpose of delegating the task of completing all remaining street and traffic improvements around the Kent Commuter Rail Station in accordance with, and in satisfaction of all street and traffic improvement mitigation as provided in Sound Transit's Conditional Use Permit for the Kent Commuter Rail Station for \$1,376,000, including \$914,000 as a credit and a \$462,000 payment from Sound Transit.

Background:

This action will complete all remaining station-related street and traffic improvements around the Kent Commuter Rail Station, to which Sounder is committed under the terms of the Conditional Use Permit for the Kent Commuter Rail Station.

Under the Second Agreement to the Transportation Improvement Agreement, the City of Kent would complete construction of the remaining street and traffic improvements surrounding the Sounder station as listed in the first Transportation Improvement Agreement. In exchange, Sound Transit will waive the remaining \$914,000 from the amount owed Sound Transit for the City of Kent's share of \$4 million to build a parking structure rather than a surface lot at the Kent Commuter Rail Station. In addition, Sound Transit will pay an additional \$462,000 to the City of Kent for construction of said improvements.

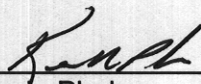
In addition, this action:

- establishes that Sound Transit has no further capital or construction obligations within the City of Kent, except for some remaining railroad crossing safety improvements related to train operations rather than to the Kent Commuter Rail Station itself;
- relieves Sound Transit of any further permit fees and permit obligations;
- commits Sound Transit to deed to the City certain strips of property to facilitate street widenings and left-turn pockets;
- upon payment of \$462,000 and conveyance of necessary right of way to the City, the City will grant Sound Transit the occupancy permit for the entire garage;
- completes the commuter rail elements of Sound Move in Kent.

Motion:

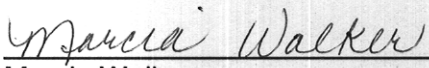
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority Executive Director is A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute the Second Amendment to the Transportation Improvement Agreement (TIA) with the City of Kent for the purpose of delegating the task of completing all remaining street and traffic improvements around the Kent Commuter Rail Station in accordance with, and in satisfaction of all street and traffic improvement mitigation as provided in Sound Transit's Conditional Use Permit for the Kent Commuter Rail Station for \$1,376,000, including \$914,000 as a credit and a \$462,000 payment from Sound Transit.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 1, 2003.



Kevin Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator