

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2004-63 and  
RESOLUTION NO. R2004-09**

**I-90 Two-Way Transit and HOV Operations Project**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Executive Committee	7/1/04	Discussion/Possible Action to Recommend Board Approval	Agnes Govern, Director, REX/SDR Capital Projects	(206) 398-5037
Board	8/12/04	Action	<b>Andrea Tull, Project Manager, Office of Policy and Planning</b>	(206) 398-5040

<b>Contract/Agreement Type:</b>	✓	<b>Requested Action:</b>	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Interagency Agreement	✓	Contingency Funds (Budget) Required	
Purchase/Sale Agreement		Budget Amendment Required	

**ACTION**

- Amend Sound Move to provide for two-way transit and HOV operations in the outer roadways of I-90 between Seattle and Bellevue and to select Alternative R-8A as the project to be built for the I-90 Two-Way Transit and HOV Project.
- Authorize Sound Transit Chief Executive Officer to enter into an amendment to the 1976 Memorandum Agreement for I-90.

**KEY FEATURES**

- Amends Sound Move to include two-way transit and HOV operations in the outer roadways of I-90 and selects Alternative R-8A for the I-90 Two-Way Transit and HOV Operations Project.
- Adopts guiding principles regarding future high-capacity transit (HCT) in the I-90 center roadway.

**BUDGET IMPACT SUMMARY OF ALTERNATIVE R-8A**

**Current Status:** Preliminary Engineering/Environmental Documentation (PE/ED) phase. The FEIS was issued on May 21, 2004.

**Projected Completion Date:** The environmental documentation process for the I-90 Two-Way Transit and HOV Operations Project will be complete after the Federal Highway Administration (FHWA) issues a Record of Decision (ROD). The ROD is anticipated in summer 2004. Final design will be initiated after the ROD is issued. Construction will be initiated in late 2005, to be complete in 2007 to 2008, pending full project funding.

<b>Action Outside of Adopted Budget:</b>	<b>Y/N</b>	<b>Y</b>	<b>Requires Comment</b>
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
<b>Key Financial Indicators:</b>	<b>Y/N</b>	<b>Y</b>	<b>Requires Comment</b>
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	Y		The project budget includes sufficient funding to complete the PE/ED and final design phases of the project. However, the construction of these improvements will require funding in addition to the resources identified in the financial plan.

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

No budget action is requested at this time. Staff will return to the Board to request authorization of a supplement to the existing Agreement with Washington State Department of Transportation (WSDOT) for final design of the project, after the ROD on the project is issued.

### **BUDGET DISCUSSION**

The Adopted 2004 Budget includes \$18.9 million (YOES) for the I-90 Two-Way Transit and HOV Operations Project. This budget provides funds for the completion of the PE/ED and the final design phases. Funds are needed for the construction of the project and are being requested from other sources.

The estimated cost for Alternative R-8A totals \$128 million (YOES) including expenditures to date of \$5 million (Sound Transit and WSDOT federal grant funds) for PE/ED.

### **REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS**

The cost to implement Alternative R-8A, HOV lanes on the outer roadways, is estimated at \$128 million, based on a Cost Estimating Validation Process (CEVP) completed in 2003. This includes funds spent to date on the PE/ED.

The Board and the I-90 Steering Committee were informed of the pending budget shortfall in 2000 when preliminary construction cost estimates for the alternatives were prepared. At that time, Sound Transit informed the project partners that due to the broadening of the purpose and need for the project by the I-90 Steering Committee to include HOV's, funds would be required from others to construct the project.

In addition to the Sound Transit funds for the project, WSDOT received \$15 million in funding from the state. WSDOT has also received \$1.75 million in Federal Interstate Maintenance funds. Other potential funding sources include a joint WSDOT/Sound Transit request of \$30 million from the reauthorization of TEA-21 and a \$5 million City of Bellevue request for STP funds.

### **I-90 CORRIDOR AND THE SOUND TRANSIT LONG-RANGE PLAN**

Staff has initiated planning and environmental studies to update Sound Transit's long-range plan. The I-90 corridor is a potential corridor for HCT development within the next phase of

implementing the long-range plan. The current long-range plan includes a potential rail extension along I-90. As part of the environmental process, Sound Transit recently completed a technical report on future HCT development in the I-90 corridor. The report summarizes previous planning history, previous studies (which primarily address light-rail transit on I-90), and frames additional issues and technical work to be completed regarding light-rail transit and bus rapid transit. The report notes that considerable policy direction has come out of the past studies and enough planning and engineering work has been done to draw certain conclusions about the technical feasibility of HCT development in the I-90 corridor, should that corridor be advanced in the long-range plan and Phase 2 plan. A draft Supplemental Environmental Impact Statement will be issued fall of 2004 for public and agency review. It is anticipated that a preferred alternative would be identified later this year, which could include a preference for HCT technology on I-90, with final Board action updating the long-range plan scheduled for spring 2005.

## **HISTORY OF PROJECT**

The I-90 Two-Way Transit and HOV Operations project was initiated in 1998. The purpose of the project is to provide reliable and safe two-way transit and HOV operations between Bellevue and Seattle.

I-90 currently operates with three general-purpose lanes in each direction on the outer roadways, plus a reversible two-lane center roadway for transit, carpools, and Mercer Island single-occupant traffic. The center roadway operates westbound to Seattle in the morning and eastbound to the eastside in the afternoon. No priority is provided for transit and carpools operating in the reverse-peak direction, eastbound in the morning and westbound in the afternoon. Currently, 60% to 65% of buses operating westbound in the afternoon peak period operate up to 20 minutes late. Provisions for a transit/HOV lane in the reverse-peak direction would improve reliability for transit and carpool/vanpool users, which would support continued growth in these high-occupancy vehicle modes of travel.

The I-90 Steering Committee was formed in 1998 to provide oversight for the project. The Steering Committee is comprised of representatives from the jurisdictions and agencies that signed the 1976 Memorandum Agreement for I-90. They include the cities of Seattle, Bellevue, and Mercer Island; King County/Metro Transit; and the State Department of Transportation. The committee also includes Sound Transit, the Federal Highway Administration, and the Federal Transit Administration.

The Final EIS for the I-90 project was issued on May 21, 2004. It includes all comments received on the proposed project and responses to those comments. The alternatives evaluated include:

*Alternative R-1:* No build (existing conditions)

*Alternative R-2B:* Conversion of the center roadway to two-way for transit and carpools

*Alternative R-5 Restripe:* Transit-only shoulder lanes on the outside shoulders of the outer roadways, in the peak periods, eastbound

*Alternative R-5 Modified:* Transit-only shoulder lanes in the peak periods, eastbound in the morning and westbound in the evening (outside shoulder eastbound, inside shoulder westbound)

*Alternative R-8A:* HOV lanes in each direction on the outer roadways for transit and carpools. Reversible operation of the center roadway would continue. Some incremental widening within WSDOT right of way on Mercer Island to provide additional shoulder width.

### **I-90 Steering Committee Recommendations**

At its July 15, 2003, meeting, the I-90 Steering Committee reached consensus in support of the recommendations identified by the Cities of Mercer Island, Bellevue, and Seattle and King County/Metro Transit jurisdictions represented on the I-90 Steering Committee. The Steering Committee identified its ultimate vision for I-90 with high-capacity transit (HCT) in the center roadway. The committee identified Alternative R-8A as the first step toward the ultimate configuration of I-90.

### **Preferred Alternative**

In November 2003, the Sound Transit Board, informed by the Steering Committee's recommendation, identified Alternative R-8A as its preferred alternative for the I-90 Project.

Alternative R-8A would maintain the existing width of the shared-use path for bicycles and pedestrians. Screening would be installed on the existing concrete barrier to reduce wind buffeting, debris, and roadway glare. Only temporary closures of the shared-use path are anticipated during construction.

The issuance of the Final EIS for the I-90 Two-Way Transit and HOV Operations Project completed the environmental analysis for the project. After Sound Transit Board action on the project, the State Transportation Commission will take action on the operation and configuration of the I-90 roadway, as required by the 1976 Memorandum Agreement for I-90. The environmental process will be complete after the Federal Highway Administration issues a ROD. Staff would then return to the Board for approval to enter into the final design process.

### **Amendment to the Memorandum Agreement**

The I-90 Steering Committee provided the following recommendations about the future use of the I-90 roadway:

- R-8A with HCT deployed in the center lanes is the ultimate configuration for I-90.
- Construction of R-8A should occur as soon as possible as a first step to the ultimate configuration.
- Upon adoption of R-8A, move as quickly as possible to implement HCT in the center lanes. HCT is defined as a transit system operating in dedicated right-of-way such as light rail, monorail, or a substantially equivalent system.
- Commit to the earliest conversion of the center roadway to two-way HCT operation based on outcome of studies and funding approvals.
- Develop and execute a future agreement outlining committee members' collective interest in developing and implementing HCT in the I-90 corridor.

At the November 2003 meeting identifying its preferred alternative, the Sound Transit Board directed staff to negotiate an amendment to the 1976 Memorandum Agreement to address the I-90 Steering Committee's recommendations. Staff negotiated the amendment, which has been approved by the Bellevue City Council and is in the approval process in the other jurisdictions.

As directed by the Board in Resolution No. R2003-120, staff has worked with the signatories to the agreement to negotiate an amendment to recognize the recommendations they made when they identified Alternative R-8A as the first step towards their ultimate configuration for I-90 with HCT in the center roadway. The amendment commits Sound Transit to the guiding principles for implementing HCT in the I-90 roadway.

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

<b>Motion or Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
M2003-120	Directed Staff to Negotiate an Amendment to the 1976 Memorandum Agreement for I-90 to define guiding principles for the Ultimate Configuration of the I-90 Roadway With HCT in the Center Roadway.	11/13/03
M2003-99	Identified Alternative R-8A as the Preferred Alternative for the I-90 Two-Way Transit and HOV Operations Project.	11/13/03
M2001-75	Provided direction on how to proceed on the Environmental Analysis for the I-90 Project.	7/26/01
M2001-07	Provided direction on how to proceed on the I-90 Project.	1/25/01
M2000-112	Approved supplement to the existing Agreement with WSDOT for the I-90 Project.	12/7/00

**CONSEQUENCES OF DELAY**

A delay in Board action will delay actions scheduled by the State Transportation Commission and the Federal Highway Administration. These actions are needed prior to the initiation of final design for the I-90 project.

**PUBLIC INVOLVEMENT**

An extensive public involvement process has been implemented for the I-90 project. Beginning in 1998, the agency has held over 15 public meetings that were held to discuss the I-90 Two-Way Transit and HOV Operations. The I-90 Steering Committee meetings are open to the public and included a public comment period. Three open houses/public hearings were held in May 2003 in Bellevue, Mercer Island, and Seattle, as part of the public review process for the Draft EIS. Over 600 comments were submitted on the Draft EIS. They are included and addressed in the Final EIS.

**DESCRIPTION OF POLICY**

Amend Sound Move to implement two-way transit/HOV operations in the outer roadways of I-90 between Seattle and Bellevue, consistent with the amendment guidelines adopted in Resolution No. R98-22. Resolution No. R98-22 establishes six criteria to evaluate a proposed revision to Sound Move.

**1. Consistency with Sound Transit’s enabling legislation.**

Pursuant to RCW 81.112.080(2) and RCW 81.104.015 (1), Sound Transit is authorized to construct, maintain, operate and regulate a system of public transportation services and supporting services and facilities necessary to implement a high-capacity transportation

system (HCT). The HCT system, as defined by statute, provides a system of public transportation services in an urbanized region operating on exclusive rights of ways and supporting services and facilities necessary to implement such a system, which taken as a whole, provides a higher level of passenger capacity, speed and service frequency than traditional public transportation. This project is consistent with Sound Transit's enabling legislation, based on the anticipated benefits in terms of transit speed, reliability, and access.

Sound Move provides for conversion of the center roadway of I-90 from reversible lanes to two-way operations throughout the day. Conditions changed, however, after Sound Move was adopted. The I-90 roadway between Interstate 405 and Interstate 5 is governed by a 1976 Memorandum Agreement signed by King County, the City of Seattle, the Municipality of Metropolitan Seattle, the City of Mercer Island, the City of Bellevue, and the Washington State Transportation Commission. The agreement provides that "the Commission will take no action which will result in a major change in either the operation or the capacity of the I-90 facility without prior consultation with and involvement of the other parties to this agreement, with the intent that concurrence of the parties be a prerequisite to Commission action to the greatest extent possible under law." Two-way operation in the center roadway is not feasible at this time because the parties to the 1976 agreement rejected the proposed operational change to I-90 that is described in Sound Move. Consequently, Sound Transit cannot obtain the required approvals to construct the improvements and implement two-way operations in the center roadway. Proceeding with the project as described in Sound Move is therefore impractical to accomplish.

In addition, transportation studies discussed in the Final EIS and Motion No. M2003-99 conclude that given current and projected traffic conditions, the conversion of the center roadway to two-way transit and HOV operations would degrade transit and HOV operations and increase roadway congestion.

In order to best achieve the stated goals of the Sound Move transit plan under the changed circumstances, it is in the best interest of the citizens of the Sound Transit district and region to select Alternative R-8A as the alternative to be built for the I-90 Two-Way Transit and HOV Operations Project.

## **2. Consistency with Sound Transit's funding requirements and priorities:**

The proposal would not affect subarea expenditures. Benefits to the speed, reliability, and access to ST Express service and King County Metro service would be directly increased by implementing the I-90 Two-Way Transit and HOV Operations project. The proposed amendment, which identifies Alternative R-8A as the project to be implemented, results in a higher cost project than what was budgeted in Sound Move. It also has greater benefits. The project that was identified in Sound Move, conversion of the center roadway to two-way for transit operations, would cost an estimated \$49 million to implement which is more than the \$15 million in 1995\$ budgeted in Sound Move. The cost of Alternative R-8A is estimated at \$128 million. This cost is not anticipated to be borne by Sound Transit alone. Staff is working with WSDOT and other project partners to identify and request reliable funding sources to implement the project. WSDOT has received \$15 million for the project from the State Transportation package and \$1.75 million in Federal Interstate Maintenance funds. A \$30 million request has been made in the reauthorization of TEA-21. A \$5 million STP (Surface Transportation Program) grant request has been submitted by the City of Bellevue for early implementation of project components. This increase should be

considered relative to the overall cost of the current Regional Express Capital program for East King County, which totals \$530 million. Should the Board choose to fund all or a portion of the funding shortfall for this project, it can be afforded within unutilized financial capacity within the East King County subarea (estimated at \$755 million).

**3. Consistency with the proposition approved by voters in the November 1996 election:**

Sound Move called for the implementation of a system of direct access ramps and community connection projects in the region to improve regional and local bus operations in terms of transit speed, reliability, and access. It described the I-90 project as “conversion of the center roadway to two-way for transit.” As discussed above, there have been changed conditions that warrant revising Sound Move. The jurisdictions with authority over the I-90 roadway rejected converting the center lanes to two-way transit operations and instead have recommended providing two-way transit/HOV operations in the outer lanes of the roadway. In addition, in the evaluation of alternatives for the I-90 Two-Way Transit and HOV Operations project, it was determined that conversion of the I-90 center roadway to two-way for transit operations would degrade transit operations in the peak direction (westbound in the AM and eastbound in the PM) and would require a change in HOV designation from 2+ to 3+ soon after opening. This displacement of 2+ HOV’s and Mercer Island traffic to the outer roadways would add to existing congestion on the outer roadways and frustrate the intent and purpose of the original Sound Move project.

Other alternatives to provide reliable and safe two-way transit and HOV operations between Bellevue and Seattle while minimizing impacts on the environment, other users, and transportation modes were evaluated in the environmental documentation phase for the project. The alternatives are described in the history section of this abstract.

The proposed amendment accomplishes the intent and purpose of the project as described in Sound Move by providing two-way transit/HOV operations. The only difference is in the location of the lanes in the outer roadways rather than the center roadway. The proposed amendment best achieves the stated goals of Sound Move under the changed circumstances and is in the best interest of the citizens of the Sound Transit district and the region.

**4. Consistency with and support of the transportation goals, commitments, projects and corridors served in Sound Move:**

Sound Move creates a comprehensive regional, high-capacity travel network that offers frequent, convenient, and dependable services. Specific to East King County, the network consists of express bus services operating primarily on HOV lanes in the I-90, I-405, and SR 520 corridors. The HOV Access Program improves the speed, reliability, and access of ST Express bus service by eliminating the need for buses to weave through other traffic at transit inline stops and at freeway access ramps. The access ramps on Mercer Island and at Bellevue Way improve speed and reliability for transit and HOV.

**5. Adequacy of environmental review completed under SEPA and/or NEPA, either as part of the 1993 System Plan EIS or otherwise:**

The proposed change falls within the range of alternatives and impacts analyzed in the 1993 System Plan Environmental Impact Statement (EIS). The proposed I-90 Two-Way Transit and HOV Operations project will provide greater benefits in terms of transit speed, reliability,

and access, compared with the original project, conversion of the center roadway to two-way for transit operations.

In addition, a project level EIS was completed for the I-90 project, to comply with both the state and national environmental policy acts (SEPA) and (NEPA). The Final EIS was issued on May 21, 2004.

**6. Extent to which the proposed revision has been reviewed and supported by the subarea(s), local jurisdictions and community:**

An extensive public involvement process has been implemented for the I-90 project. Over 15 open houses have been held on the project since it was initiated in 1998.

The I-90 Steering Committee members are supportive of the I-90 project, as evidenced by their July 15, 2003, letters to the Sound Transit Board, in support of Alternative R-8A as a first step towards their ultimate vision for I-90 with high-capacity transit in the center roadway. The Steering Committee members all rejected Alternative R-2B, which would have converted the center roadway as described in Sound Move. According to the 1976 Memorandum Agreement, concurrence of these parties on a solution for two-way transit/HOV operations is a prerequisite for approval by the State Transportation Commission. Proceeding with the project as described in Sound Move is therefore not achievable.

The proposed revision to Sound Move was discussed with the Eastside Transportation Partnership (ETP) on May 14, 2004.

**LEGAL REVIEW**

DB 5/27/04



## **SOUND TRANSIT**

### **MOTION NO. M2004-63**

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to enter into an Amendment to the 1976 Memorandum Agreement for I-90.

#### **Background:**

The 1976 Memorandum Agreement for the configuration and operation of the I-90 roadway between Bellevue and Seattle was approved by the Cities of Mercer Island, Bellevue, and Seattle; King County; Metro Transit; and the Washington State Department of Transportation.

The Memorandum Agreement specified that I-90 was to operate with three lanes on each of the outer roadways for general-purpose traffic and that two lanes would be designed for and permanently committed to transit use. The priority for the center lanes was identified as transit, carpools and Mercer Island traffic. The agreement also specified that "the I-90 facility shall be designed and constructed so that conversion of the transit roadway to fixed guideway is possible."

The Memorandum Agreement also specified that the consideration of proposed changes to the configuration and operation of the I-90 roadway to be acted upon by the Washington State Transportation Commission, shall include prior consultation with and involvement of the parties to the agreement "with the intent that concurrence of the parties be a prerequisite to Commission action to the greatest extent possible under law."

The I-90 Steering Committee was formed in 1998 to provide oversight for the I-90 project in accordance with the requirements in the Memorandum Agreement. The Steering Committee is comprised of representatives from the jurisdictions and agencies that signed the 1976 Memorandum Agreement for I-90. The committee also includes Sound Transit, the Federal Highway Administration and the Federal Transit Administration.

In July 2003, the I-90 Steering Committee reached consensus in support of the recommendations identified by the Cities of Mercer Island, Bellevue, and Seattle; and King County/Metro Transit. The Steering Committee identified its ultimate configuration for I-90 with High Capacity Transit in the center roadway. The Steering Committee identified Alternative R-8A as the first step toward their ultimate configuration for I-90.

The Steering Committee provided the following recommendations about the future use of the I-90 roadway:

- R-8A with HCT deployed in the center lanes is the ultimate configuration for I-90.
- Construction of R-8A should occur as soon as possible as a first step to the ultimate configuration.
- Upon adoption of R-8A, move as quickly as possible to implement HCT in the center lanes. HCT is defined as a transit system operating in dedicated right-of-way such as light rail, monorail, or a substantially equivalent system.

- Commit to the earliest conversion of the center roadway to two-way HCT operation based on outcome of studies and funding approvals.
- Develop and execute a future agreement outlining committee members' collective interest in developing and implementing HCT in the I-90 corridor.

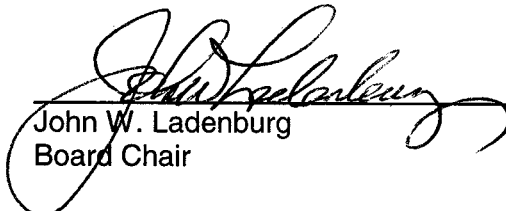
At the November 2003 meeting identifying its preferred alternative, the Sound Transit Board directed staff to negotiate an amendment to the 1976 Memorandum Agreement to address the I-90 Steering Committee's recommendations. Staff negotiated the amendment, which has been approved by the Bellevue City Council and is in the approval process in the other jurisdictions.

As directed by the Board in Resolution No. R2003-120, staff has worked with the signatories to the agreement to negotiate an amendment to recognize the recommendations they made when they identified Alternative R-8A as the first step towards their ultimate configuration for I-90 with HCT in the center roadway. The amendment commits Sound Transit to the guiding principles for implementing HCT in the I-90 roadway.

**Motion:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer enter into an Amendment to the 1976 Memorandum Agreement for I-90, consistent with amendments adopted by the Bellevue City Council, the King County Council, the Mercer Island City Council, and the Seattle City Council.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 12, 2004.

  
John W. Ladenburg  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator