

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2006-48

**Authorization for Final Design and Right-of-Way Acquisition and Reimbursement
Agreement for SR 522 HOV Enhancement Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	6/15/06	Discussion/Possible Action	Jim Edwards, Deputy Director, Capital Projects Vicki Youngs, Program Manager, Fred Wilhelm, Project Development Coordinator	(206) 398-5436 (206) 398-5024 (206) 398-5034

Contract/Agreement Type:	<input checked="" type="checkbox"/>	Requested Action:	<input checked="" type="checkbox"/>
Competitive Procurement		Execute New Contract/Agreement	<input checked="" type="checkbox"/>
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)	<input checked="" type="checkbox"/>	Budget Amendment	
Real Estate		Property Acquisition	

PROJECT NAME

SR 522 HOV Enhancements/Bothell

PROPOSED ACTION

Authorizes the Chief Executive Officer to (1) execute an agreement with the City of Bothell for the final design, right-of-way acquisition, construction and construction management phases of the State Route 522 HOV Enhancements/Bothell project and (2) reimburse the City of Bothell for final design and right-of-way acquisition in an amount not to exceed \$2,445,544.

KEY FEATURES of PROPOSED ACTION

- Implements the guiding principles of a Memorandum of Understanding (MOU) between Sound Transit and the City of Bothell approved by the Board in May 2004, which outlined roles and responsibilities and established a cost sharing basis for final design, right-of-way acquisition, construction, and construction management.
- Provides the funding for the transit elements in the SR 522 Corridor at SR 522 and 96th Avenue NE (Wayne Curve) and reiterates that Sound Transit's financial contribution is capped at 64% of the estimated total project cost for the remaining four phases. The City of Bothell will fund the remaining cost (36%).
- Establishes Sound Transit's cost sharing responsibility for final design and right-of-way acquisition in the amount of \$673,319 for final design and \$1,772,225 for right-of-way acquisition.

- Establishes Sound Transit's participatory share for construction and construction management will not exceed \$5,290,362. However, funding for the construction phase of this agreement is subject to separate Sound Transit Board authorization. In total, Sound Transit's potential contribution to this project is capped at \$7,736,000.
- Establishes the City of Bothell's responsibility to maintain the integrity of the transit elements of the project as outlined in the 30% design documents.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

The 2006 Adopted Budget for this project is \$8,571,728. The final design phase budget is \$673,000 and the ROW phase budget is \$1,772,225. This action will fully commit the phase level budgets for both Final Design and ROW. The remaining balance for the project will be \$5,793,188.

There are sufficient funds to complete this action. Committing these funds will not endanger any other project elements that are to be funded out of the overall project.

BUDGET TABLE

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

Action Item: Execute an agreement with the City of Bothell for final design and ROW for the SR522 HOV Enhancements/Bothell project (#385).

	2006 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 432	\$ 33	\$ -	\$ 33	\$ 399
2 Preliminary Engineering	407	\$ 300	-	\$ 300	107
3 Final Design	673	\$ -	673	\$ 673	(0)
4 Right of Way	1,772	\$ -	1,772	\$ 1,772	0
5 Construction	5,287	\$ -	-	\$ -	5,287
6 Contingency	-	-	-	\$ -	-
7 Total Current Budget	\$ 8,572	\$ 333	\$ 2,446	\$ 2,779	\$ 5,793
Phase Budget Detail					
8 Final Design	\$ 673	\$ -	\$ 673	\$ 673	\$ (0)
9 Misc.	-	-	-	-	-
10 Total Phase	\$ 673	\$ -	\$ 673	\$ 673	\$ (0)
Phase Budget Detail					
11 Right of Way	\$ 1,772	\$ -	\$ 1,772	\$ 1,772	\$ 0
12 Misc.	-	-	-	-	-
13 Total Phase	\$ 1,772	\$ -	\$ 1,772	\$ 1,772	\$ 0
Contract Budget					
	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action - Final Design (H)	Proposed Action - ROW (H)	Amended Total Contract Value (I)
14 City of Bothell Agreement	\$ -	\$ -	\$ 561	\$ 1,418	\$ 1,979
15 Contingency	-	-	112	354	\$ 467
16 Total	-	-	673	1,772	2,446
17 Percent Contingency	0%	0%	20%	25%	24%

Notes:

1. Project budget is located on page 155 of the Adopted 2006 Budget book.
2. Committed to-date amount includes actual outlays and commitments through April 6, 2006

M/W/DBE – SMALL BUSINESS PARTICIPATION

The City of Bothell will be the lead agency for the proposed project and will follow its contracting requirements.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

On May 20, 2004 the Sound Transit Board authorized the execution of a MOU with the City of Bothell, outlining the funding strategy for reimbursing the City for the cost of the final design, right-of-way acquisition, construction, and construction management phases. The MOU provides for Sound Transit to develop this Agreement with the City to fund 64% of these remaining project costs for a total not to exceed amount of \$7,736,000. The City of Bothell may opt to reduce the scope of the project's general purpose improvements, so long as such reduction in scope does not impact the scope or integrity of the transit elements.

This agreement commits Sound Transit to fund 64% (estimated transit element percentage) of final design and right-of-way acquisition costs. Sound Transit's share of funding for these two phases is \$673,319 for final design and \$1,772,225 for right-of-way acquisition for a total not to exceed amount of \$2,445,544. In May 2006, the City Council authorized the City Manager to enter into this Agreement with Sound Transit and approved the City's share (36%) of final design and right-of-way acquisition costs.

The construction and construction management phase of this agreement will occur only if the Sound Transit Board separately authorizes this phase after the City Council authorizes sufficient funds for the City's share of the costs. Sound Transit's share of construction and construction management costs will not exceed \$5,290,362.

Preliminary Engineering environmental documentation under the State Environmental Policy Act (SEPA) is complete. An Environmental Checklist was prepared and on May 18, 2006, the City of Bothell (SEPA lead agency) issued a Determination of Nonsignificance (DNS). The SEPA appeal period for the City of Bothell on this project ended on June 8, 2006. No appeals were received. Environmental documentation under the National Environmental Policy Act is still ongoing and is expected to be completed in July 2006. The City of Bothell, in coordination with Sound Transit and WSDOT, prepared the NEPA 4(f) Statement and will be requesting a Documented Categorical Exclusion (DCE) from the Federal Highway Administration (FHWA). The Biological Evaluation (BE) has also been prepared and received concurrence from the National Marine Fisheries Service (NMFS) and the US Department of Fish and Wildlife (USFWS) on March 10, 2006, concluding the Endangered Species Act (ESA) Consultation requirement.

Prior Board/Committee Actions on this Project and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2004-42	Authorized the execution of an MOU for cooperative funding with the Cities of Kenmore and Bothell defining scope, schedule, and budget for the SR 522 HOV Enhancements project through final design, right-of-way acquisition, construction and construction management.	5/20/04
M2002-32	Authorized the execution of an MOA with the City of Bothell, making the City of Bothell the lead agency for the SR 522 HOV Enhancement Project PE/ED phase.	3/21/02
M2002-22	Amended Sound Move to change the geographic scope to include the City of Kenmore and remove the City of Woodinville.	3/14/02

CONSEQUENCES of DELAY

Delay beyond June 2006 will delay final design, which could ultimately impact the construction of the project and completion of the improvements by December 2009.

PUBLIC INVOLVEMENT

Through the establishment of the Technical Advisory Committee, Sound Transit has coordinated with the Cities of Bothell, Woodinville and Kenmore, King County Metro, Community Transit and WSDOT to develop criteria for project site selections and provide input during selection of a preferred alternative.

ENVIRONMENTAL COMPLIANCE

SK 5/19/06

LEGAL REVIEW

CJ 6/5/06

SOUND TRANSIT

MOTION NO. M2006-48

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to (1) execute an agreement with the City of Bothell for the final design, right-of-way acquisition, construction and construction management phases of the State Route 522 HOV Enhancements/Bothell project and (2) reimburse the City of Bothell for final design and right-of-way acquisition in an amount not to exceed \$2,445,544.

Background:

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Motion:


It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to (1) execute an agreement with the City of Bothell for the final design, right-of-way acquisition, construction and construction management phases of the State Route 522 HOV Enhancements/Bothell project and (2) reimburse the City of Bothell for final design and right-of-way acquisition in an amount not to exceed \$2,445,544

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 15, 2006.



Fred Butler
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator