



## Motion No. M2021-26

### Betterment Agreement with the City of Tacoma for Curb and Gutter Construction, Roadway Restoration, and Development Related Utility and Streetscape Enhancements as part of the Hilltop Tacoma Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	04/08/2021	Recommend to Board	Ron Lewis, DECM Executive Director
Board	04/22/2021	Final action	<b>Madeleine Greathouse, Project Director</b>

### Proposed action

Authorizes the chief executive officer to execute a betterment agreement with the City of Tacoma to reimburse Sound Transit in the amount of \$1,858,106 to construct curb and gutter, roadway restoration, and utility related and streetscape enhancements as part of the Hilltop Tacoma Link Extension.

### Key features summary

- The proposed action authorizes the execution of betterment agreements requested by the City of Tacoma to reimburse Sound Transit for construction of the following betterments within or adjacent to the project footprint in support of future City led projects. The betterment scope includes:
  - Installation of miscellaneous utility and streetscape enhancements such as side sewers, upsizing of pipe and pedestrian streetscape improvements to support future development along the alignment.
  - Construction of continuous curb and gutter on a portion of Division Ave. and all of MLK Jr. Way as part of the City of Tacoma's Link to Opportunity streetscape improvement project.
  - Restoration of the north side of the roadway on E. 25<sup>th</sup> St. between E. G St. and E. J St. to match restored portion of roadway constructed as part of the project; construct five ADA curb ramps and two crosswalks, curb restoration, angled parking and reconstruction of a driveway.
- Betterments are defined and reimbursement provisions are provided in the Funding Agreement with the City of Tacoma. The Board approved this agreement under Motion No. M2017-33.
- The City of Tacoma agrees to reimburse Sound Transit for all design, construction management, and construction and operations costs associated with the betterments identified in this action.
- Contract amendments for design support during construction and construction management consultant services will be executed in accordance with negotiated costs identified in the betterment agreement.
- The Board is considering an increase to the Hilltop Tacoma Link Extension construction contract contingency to incorporate the curb and gutter betterment in a separate Board action, Motion No. M2021-XX.

## Background

The Hilltop Tacoma Link Extension is a 2.4 mile extension of light rail from the Theater District in downtown to the Hilltop neighborhood in Tacoma. The extension will travel at-grade, in-street with traffic along Stadium Way, North 1st Street, Division Avenue, and Martin Luther King Jr. Way. The project includes six new stations, relocates the Theater District Station, expands the existing Tacoma Operations and Maintenance Facility (OMF), and provides for additional light rail vehicles. Revenue service for the extension is forecast for May 2022.

In July 2018, the Board authorized a contract with Walsh Construction Company II LLC to construct the Hilltop Tacoma Link Extension. Notice to Proceed was issued in August 2018 and construction is currently 75 percent complete. Work along the alignment has been primarily focused on completion of utility work on Commerce St. and track slab installations in the Hilltop and Stadium business districts.

Between 2019 and 2020, the City of Tacoma identified six betterment opportunities for utility and streetscape enhancements during construction of utility relocations and subsequent track slab installation in Stadium and Hilltop business districts. The costs of these six betterments were estimated at approximately \$120,014 and include all applicable design, construction management and construction costs. In Q1 2021 the City acknowledged these scope items as betterments as defined by the Funding Agreement and agreed to reimburse Sound Transit for these costs.

At the start of construction in Q3 2018, the City was advancing design of the Links to Opportunity streetscape project. The City completed its design in Q3 2019. As construction continued along MLK Jr. Way, it became apparent the contractually required reconstruction of damaged curb and gutter by Walsh Construction Co. II LLC could be more efficient and cost effective if it included those sections identified in the City's project. This approach would result in improved quality of the finished product as well as reducing the likelihood of contract interface late in construction of the Hilltop extension. Sound Transit and the City of Tacoma worked together to identify the damaged areas to be restored under the construction contract and additional quantities of curb and gutter as part of the City's streetscape project. The City formally requested pricing for this betterment in July 2020. The proposed construction pricing by Walsh Construction Co. II LLC was agreed to by the City in late December 2020. This agreement identifies a not to exceed cost of \$1,043,227 and includes all design, construction management and construction costs associated with this work.

In February 2021, the City of Tacoma requested restoration of the north side of E. 25<sup>th</sup> St. between McKinley Ave. E. and E. J St. This betterment improves the compromised condition of the westbound travel lane on E. 25<sup>th</sup> St. as well as provide for valley gutter, curb restoration, ADA ramps and crosswalks, angled parking and driveway reconstruction. The scope of this betterment was finalized in March 2021 and a request for proposal will be issued to the contractor for pricing following completion of design. This action requests approval to execute a betterment agreement not to exceed estimated costs and includes all design, construction management and construction costs.

Change orders will be executed for design, construction management and T100 construction contracts to incorporate betterment work following Board approval of the agreement.

## Project status

Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction

Projected completion date for Construction: 2Q 2022

Project scope, schedule and budget summary are located on page 101 of the January 2021 Agency Progress Report.

### **Fiscal information**

The action would authorize a betterment agreement with City of Tacoma to reimburse Sound Transit for construction of miscellaneous utility and streetscape improvements, construction of curb and roadway restoration for delivering a betterment as part of the Hilltop Tacoma Link Extension.

Since the costs will be reimbursed to Sound Transit, this action does not impact either the agency's long-term financial plan or subarea financial capacity.

### **Disadvantaged and small business participation**

Not applicable to this action.

### **Public involvement**

Not applicable to this action.

### **Time constraints**

A one-month delay could introduce out of sequence construction activities to the contractor's schedule which may negatively impact production rates.

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**Environmental review** – KH 3/29/21

**Legal review** – JSA 4/5/21



## Motion No. M2021-26

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a betterment agreement with the City of Tacoma to reimburse Sound Transit in the amount of \$1,858,106 to construct curb and gutter, roadway restoration, and utility related and streetscape enhancements as part of the Hilltop Tacoma Link Extension.

### Background

The Hilltop Tacoma Link Extension is a 2.4 mile extension of light rail from the Theater District in downtown to the Hilltop neighborhood in Tacoma. The extension will travel at-grade, in-street with traffic along Stadium Way, North 1st Street, Division Avenue, and Martin Luther King Jr. Way. The project includes six new stations, relocates the Theater District Station, expands the existing Tacoma Operations and Maintenance Facility (OMF), and provides for additional light rail vehicles. Revenue service for the extension is forecast for May 2022.

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The proposed action authorizes the execution of betterment agreements requested by the City of Tacoma to reimburse Sound Transit for construction of the following betterments within or adjacent to the project footprint in support of future City led projects. The betterment scope includes:

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Betterments are defined and reimbursement provisions are provided in the Funding Agreement with the City of Tacoma. The Board approved this agreement under Motion No. M2017-33. Contract amendments for design support during construction and construction management consultant services will be executed in accordance with negotiated costs identified in the betterment agreement. The Board is considering an increase to the Hilltop Tacoma Link Extension construction contract contingency to incorporate the curb and gutter betterment in a separate Board action, Motion No. M2021-27.

Change orders will be executed for design, construction management and T100 construction contracts to incorporate betterment work following Board approval of the agreement.

## Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a betterment agreement with the City of Tacoma to reimburse Sound Transit in the amount of \$1,858,106 to construct curb and gutter, roadway restoration, and utility related and streetscape enhancements as part of the Hilltop Tacoma Link Extension.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 22, 2021.

  
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Kent Keel  
Board Chair

**Attest:**

  
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Kathryn Flores  
Board Administrator