



## Motion No. M2022-70

### Amendment to Agreement with Washington State Department of Transportation for Mitigation of the SR520 Maintenance Spoil Processing Site for Construction of East Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	08/18/2022	Final action	Ron Lewis, DECM Executive Director <b>Jon Lebo, Executive Project Director East Link</b>

#### Proposed action

Authorizes the chief executive officer to execute an amendment to the SR 520 Maintenance Spoil Processing Site mitigation agreement with the Washington State Department of Transportation (WSDOT) to provide an additional mitigation payment to WSDOT in the amount of \$1,750,393 for a total amount not to exceed \$3,131,498.

#### Key features summary:

- Sound Transit's selected alignment for the light rail system included construction of a guideway and associated light rail facilities along the south side of SR520 west of the 148th Ave NE interchange. The Washington State Department of Transportation (WSDOT) operates a maintenance spoil processing site (MSPS) at that location. Prior to East Link construction, WSDOT used the MSPS to store and process soil and other debris from WSDOT maintenance activities.
- In 2016 Sound Transit executed a mitigation agreement (approved by Board Motion No. M2015-119) with WSDOT to compensate WSDOT for temporary closure of the MSPS during construction of the East Link Extension.
- The mitigation agreement provided for WSDOT to haul and dispose of its maintenance spoils directly to permitted disposal facilities rather than use the MSPS. Sound Transit agreed to restore the MSPS site after completion of East Link Construction and compensate WSDOT for the additional costs to temporarily haul maintenance spoils directly to permitted facilities.
- During East Link final design it was determined it was more cost effective to negotiate a permanent mitigation plan with WSDOT to discontinue use of the MSPS for maintenance spoils processing and embankment of soil rather than restore the site for WSDOT use after East Link construction is complete.
- Under the amendment, Sound Transit will pay WSDOT a one-time additional mitigation payment of \$1,750,393 to compensate WSDOT for the loss of the remaining MSPS capacity and to continue to haul and dispose of maintenance soils at permitted disposal facilities. No additional environmental review is required due to the conditions in this amendment.

## **Background**

In 2016, Sound Transit and WSDOT executed an agreement for a mitigation plan for the SR 520 Maintenance Spoil Processing Site (MSPS) during East Link construction. Under the agreement, Sound Transit agreed to restore the site at the completion of East Link construction and to compensate WSDOT in the amount of \$ 1,381,105 for WSDOT's costs to mitigate temporary loss of WSDOT's use of the MSPS. This was necessary to allow Sound Transit's contractor access to the area for the construction. The funding under the agreement provided mitigation for the additional costs WSDOT incurred to transport street sweeper and maintenance spoils directly to permitted waste facilities, rather than use the MSPS for sorting of waste and embankment of remaining suitable material on site.

The restoration requirements in the mitigation agreement included direct access from SR520, room to process the sweeper spoils and future embankment fill capacity of 15,855 cubic yards of suitable maintenance spoils. During Sound Transit's evaluation of design alternatives during the Design Build process for the E360 contract, it was determined to be more cost effective to negotiate a permanent mitigation cost with WSDOT for their loss of use at this site for maintenance spoils processing and embankment of soil. The amendment would provide for Sound Transit to pay WSDOT an additional one-time mitigation payment of \$1,750,393 to continue hauling spoils material directly to permitted waste facilities rather than returning the site to the agreed capacity for managing WSDOT maintenance spoils.

## **Project status**

Projected completion date for E360 Substantial Completion 1Q 2023.

Project scope, schedule and budget summary are located on page 24 of the June 2022 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 third parties phase. This action does not impact the affordability of any other system expansion project.

The baseline budget for the East Link project is \$3,677,150,000. Within the third parties phase, \$18,294,456 has been allocated to the WSDOT FD-Construction Coordination including for mitigating impacts to WSDOT for the State Route SR 520 Maintenance Spoil Processing Site This action would commit \$1,750,393 to this budget line item and leave a budget balance of \$2,082,078.

## East Link Extension

(in thousands)	Total Baseline Budget	Board Approvals*	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Administration	\$186,200	\$126,041		\$126,041	\$60,159
Preliminary Engineering	55,900	54,776		54,776	1,124
Final Design	283,000	257,165		257,165	25,835
Third Parties	52,150	39,008	1,750	40,759	11,391
Right of Way	298,150	280,102		280,102	18,048
Construction	2,547,125	2,355,202		2,355,202	191,924
Construction Services	254,625	234,963		234,963	19,661
<b>Total Current Budget</b>	<b>\$3,677,150</b>	<b>\$3,347,258</b>	<b>\$1,750</b>	<b>\$3,349,009</b>	<b>\$328,141</b>

### Phase Detail - Third Parties

WSDOT FD-Constr Coordination	\$18,294	\$14,462	\$1,750	\$16,212	\$2,082
Other Third Parties	33,856	24,546	0	24,546	9,309
<b>Total Phase</b>	<b>\$52,150</b>	<b>\$39,008</b>	<b>\$1,750</b>	<b>\$40,759</b>	<b>\$11,391</b>

Contract Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
WSDOT				
Contract Amount	\$1,381	\$1,381	\$1,750	\$3,131
Contingency	0	0		0
<b>Total Contract Amount</b>	<b>\$1,381</b>	<b>\$1,381</b>	<b>\$1,750</b>	<b>\$3,131</b>
Percent Contingency	0%	0%	0%	0%

#### Notes:

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

For detailed project information, see page 119 of the 2022 Financial Plan & Adopted Budget.

\* Board Approvals = Commitment and PO Contingency Remaining as of 8/10/2022.

## Disadvantaged and small business participation

Not applicable to this action.

## Public involvement

Not applicable to this action.

## Time constraints

A one-month delay would create an impact to the project schedule. This amendment is needed prior to WSDOT acceptance of the temporary construction area, which is anticipated in 4Q of 2022.

## Prior Board/Committee actions

Motion No. M2015-119: Authorized the chief executive officer to execute an agreement with the Washington State Department of Transportation to pay WSDOT to mitigate East Link Extension construction impacts to the Maintenance Spoil Processing Site in the amount of \$1,381,105.

## Environmental review – KH 8/4/22

## Legal review – JV 8/11/2022



## Motion No. M2022-70

A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an amendment to the SR 520 Maintenance Spoil Processing Site mitigation agreement with the Washington State Department of Transportation (WSDOT) to provide an additional mitigation payment to WSDOT in the amount of \$1,750,393 for a total amount not to exceed \$3,131,498.

### Background

In 2016, Sound Transit and WSDOT executed an agreement for a mitigation plan for the SR 520 Maintenance Spoil Processing Site (MSPS) during East Link construction. Under the agreement, Sound Transit agreed to restore the site at the completion of East Link construction and to compensate WSDOT in the amount of \$ 1,381,105 for WSDOT's costs to mitigate temporary loss of WSDOT's use of the MSPS. This was necessary to allow Sound Transit's contractor access to the area for the construction. The funding under the agreement provided mitigation for the additional costs WSDOT incurred to transport street sweeper and maintenance spoils directly to permitted waste facilities, rather than use the MSPS for sorting of waste and embankment of remaining suitable material on site.

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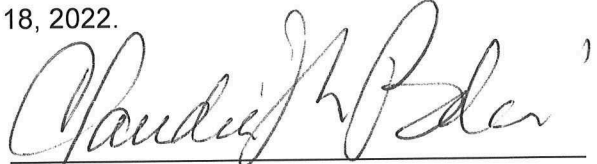
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**Motion**

It is hereby moved by the System Expansion Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an amendment to the SR 520 Maintenance Spoil Processing Site mitigation agreement with the Washington State Department of Transportation (WSDOT) to provide an additional mitigation payment to WSDOT in the amount of \$1,750,393 for a total amount not to exceed \$3,131,498.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 18, 2022.



Claudia Balducci  
System Expansion Committee Chair

**Attest:**



Kathryn Flores  
Board Administrator