



Motion No. M2024-40

Amendment to the BNSF & City of Puyallup 5th Street Crossing Construction and Maintenance Agreement

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	07/11/2024	Recommend to Board	Terri Mestas, Deputy CEO, Chief Capital Projects Delivery Officer
Board	07/25/2024	Final action	Ron Lewis, Executive Director, DECM Jon Mihkels, Director, Buildings and Infrastructure, DECM Rick Sarkany, Acting Principal Construction Manager, DECM

Proposed action

Authorizes the chief executive officer to amend the 5th Street Crossing Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup for additional scope related to rail crossing safety improvements for the Puyallup Station Parking and Access Improvements project in the amount of \$247,900, for a new total authorized agreement amount not to exceed \$1,099,718, all within the Board approved project budget.

Key features summary

- The Puyallup Parking and Access Improvements project was substantially completed in May 2022, and opened to the public in March 2023.
- The improvements to the existing 5th Street NW railroad grade crossing in the City of Puyallup were part of the improved signalization of the 5th Street NW / W Stewart Avenue intersection required by the Determination of Non-significance resulting from the Environmental Phase of the project.
- The BNSF Railway Company (BNSF) scope of work increased during the design and implementation of the initial Crossing Construction and Maintenance Agreement requiring the replacement of two additional BNSF signal bungalows. This additional scope was necessary to meet the operational and safety requirements of the project. The agreement obliges Sound Transit to pay all costs that BNSF incurred in delivering the required improvements.
- This action allows for the BNSF to be fully compensated for the completed work utilizing the existing project baseline budget. Final completion of the BNSF agreement will allow the Puyallup Parking and Access Improvements Project to be closed out.

Background

In November 2008, the voter approved ST2 Plan included funding for access improvements to the Puyallup Sounder Station.

Sound Transit issued a Determination of Non-significance under the State Environmental Policy Act (SEPA) on February 17, 2016. The Federal Transit Administration (FTA) concurred that the Project

qualified as a categorical exclusion as described in its National Environmental Policy Act (NEPA) Rules. On April 28, 2016, the Sound Transit Board selected the project to be built through Resolution No. R2016-07.

In December 2019, through Motion No. M2019-110, the Sound Transit Board provided authorization for the chief executive officer to award the contract to the highest scoring design-build contractor. Notice to Proceed was issued to Hensel Phelps on March 26, 2020.

The Puyallup project included improvements to two grade crossings of the BNSF trackway. The crossing at 5th and Stewart provided enhanced pedestrian safety improvements and vehicle traffic signal upgrades. The implementation of this work required extensive review, coordination and permitting with the City of Puyallup and BNSF. Changes in the design and construction of the work due to the complexity of the train to traffic signal interconnects resulted in increased safety but required additional costs and extended schedule. These items included replacement and relocation of an additional train signal bungalow, and the provision of additional pedestrian civil improvements including an additional pre-signal. The 5th Street crossing required more complex integration with the City of Puyallup's new adaptive traffic signal system along the corridor.

The onsite station parking and access improvements were competed and transitioned to ST Operations in May 2022. The off-site crossings and signal improvement work by the BNSF, Sound Transit's design-builder and the City of Puyallup, continued into the fall of 2022 and were tested and accepted by the city in late February 2023. The project opened to full public use in March 2023 and as of March 2024, has achieved 75 percent full utilization. The final BNSF invoice under this agreement was received in November 2023, and staff have since worked with the BNSF to confirm the executed scope, including changes, is in alignment with the requirements of the agreement and final billing.

Fiscal information

This is a concurrent action with the Amendment to increase the budget authorization for the BNSF and City of Puyallup 7th Street Crossing Construction and Maintenance Agreement (Motion No. M2024-41).

This action is funded by the project's baseline budget and there are projected sufficient amounts in the budget remaining to fund the remaining work. The current project budget is included in the existing Financial Plan forecast.

The baseline budget for the Puyallup Station Access Improvements project is \$81,877,000. Within the \$61,363,500 construction phase, \$1,099,718 has been allocated to the BNSF – 5th Street Grade Crossing Construction and Management line item. The proposed action would commit an additional \$247,900 to this line item and leave an uncommitted line item balance of \$0.

Puyallup Station Access Improvements

(in thousands)

Project Phase	Baseline Budget	Total Commitment to Date	This Action	Total Commitment Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$5,413	\$5,312	\$0	\$5,312	\$101
Preliminary Engineering	2,621	2,619	-	2,619	2
Final Design	-	-	-	-	-
Third Party	37	36	-	36	-
Right of Way	6,766	6,719	-	6,719	47
Construction	61,364	60,993	248	61,241	123
Construction Services	5,678	5,652	-	5,652	26
Total Current Budget	\$81,877	\$81,331	\$248	\$81,579	\$298
Phase Detail - Construction					
WBO BNSF - 5th St Grade Crossing C&M	\$1,100	\$852	\$248	\$1,100	\$0
Other Construction	60,264	60,141	-	60,141	123
Total Phase	\$61,364	\$60,993	\$248	\$61,241	\$123

Contract Detail	Board Approvals to Date	Proposed Action	Proposed Total for Board Approval	Current Contract Spend Status
BNSF - 5th St Grade Crossing				
Contract Amount	\$852	\$248	\$1,100	\$822
Contingency	-	-	-	-
Total Contract Amount	\$852	\$248	\$1,100	\$822
Percent Contingency	0%	0%	0%	0%

Notes:

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

Board Approvals = Committed and PO Contingency Remaining as of 6/1/2024.

For detailed project information, see page 119 of the 2024 Financial Plan & Adopted Budget.

Disadvantaged and small business participation

Participation by small businesses and disadvantaged business enterprises (DBEs)

Not applicable to this action

Public involvement

Not applicable to this action.

Time constraints

A one-month delay would delay final payment to the BNSF.

Prior Actions

Motion No. M2021-12: Authorized the chief executive officer to (1) execute Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup; and (2) obtain real property rights at the 5th Street NW grade crossing in the City of Puyallup for the Puyallup Station Parking and Access Improvements project for an amount not to exceed \$774,380 with a 10 percent contingency of \$77,438 for a total authorized amount not to exceed \$851,818.

Environmental review – KH 6/21/24

Legal review – JDW 7/2/24



Motion No. M2024-40

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to amend the 5th Street Crossing Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup for additional scope related to rail crossing safety improvements for the Puyallup Station Parking and Access Improvements project in the amount of \$247,900, for a new total authorized agreement amount not to exceed \$1,099,718, all within the Board approved project budget.

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Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to amend the 5th Street Crossing Construction and Maintenance Agreement with BNSF Railway Company and the City of Puyallup for additional scope related to rail crossing safety improvements for the Puyallup Station Parking and Access Improvements project in the amount of \$247,900, for a new total authorized agreement amount not to exceed \$1,099,718, all within the Board approved project budget.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 25, 2024.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator