Scope Control Policy (Betterments) Update

System Expansion Committee
03/14/2024

Why we are here

- Follow-up on TAG recommendation regarding strengthening and enforcing an agency betterments policy.

- Describe staff's approach to address and resolve the problem identified by the TAG.

- Review policy areas to update.

- Informational briefing only, no action.

TAG recommendation #5

Strengthen and enforce an agency betterments policy

From the TAG's report: *"The TAG recommends **creating a comprehensive betterment policy that outlines what the agency is responsible for providing as part of a capital project, including required mitigation measures, and how to address betterments requested by partner jurisdictions**. The policy should also address how to proceed when partner jurisdictions fail to work in good faith or break previously agreed-to agreements. This policy will provide staff and partner agencies with clarity on how ST will scope projects in the future."*

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What is a betterment?

Definition per Board's Scope Control Policy:

- *"Project elements that were not clearly: 1) included in the initial project scope, 2) necessary in the normal course of completing the initial project scope, 3) included in the project definition, or 4) among the mitigation measures indicated in the final environmental documentation for the project."*

Example betterments

- Bus layover at Kent Station for King County Metro as part of the Kent Station Parking & Access Improvement project (M2023-88).

- Constructing a sanitary sewer line for City of Shoreline as part of the Lynnwood Link Extension project (M2022-80).

- Upsizing wastewater pipe for King County Wastewater as part of the Operations and Maintenance Facility East project (M2018-07).

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Scope control & betterments

Project definition is essential

- Betterments are not part of the core capital project scope.

- **Better clarity about project definition** will give staff the ability to address and respond to betterment requests.

- Projects are not developed in a vacuum—**we must engage in local, state, federal, and tribal regulatory processes**.

- Adopted Sound Transit standards, guidelines, and requirements support our ability to clearly state what is necessary for operational and passenger success.

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Existing policies are insufficient

There are existing policies related to betterments

- *Scope Control Policy (2009).*

- *Reimbursement Policy (2002).*

- *Policies to Guide Permitting Activities of Sound Transit Staff (2002).*

These policies are insufficient and are not consistently applied by project teams.

Staff propose to consolidate and strengthen them.

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Policy development

Major policy topics we plan to address

- Clarify and emphasize that Sound Transit is an essential public facility.

- Solidify definition of project scope throughout project development.

- Formalize incorporation of Sound Transit standards and requirements.

- Define betterment: outside of core scope, Sound Transit standards and requirements, and required mitigation.

- Clarify Sound Transit status and standing in regulatory processes.

- Improve enforcement of and accountability to an updated policy.

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Enforcement and accountability

How to share and enforce accountability

- Create pathways to resolve disputes at all levels including:

    o Project staff and management.

    o Government relations.

    o Legal.

    o Agency leadership.

    o Board.

Project decisions can and will impact the regional system and this policy update will support systemwide thinking.

Next steps

Staff are drafting a policy update

- Incorporate Board input from Executive Committee (last week) and System Expansion Committee (today).

- Engage regularly with the TAG.

- Present a policy update for potential Board action in April.

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Thank you.

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