

System Expansion Project Scope and Betterments Policy

Community Oversight Panel

7/10/2024



Background

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.”*

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](#)).

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.

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.

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.

Enforcement and accountability

How to share and enforce accountability

- Create pathways to resolve disputes at all levels including:
 - Project staff and management.
 - Government relations.
 - Legal.
 - Agency leadership.
 - Board.

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

Policy update

Maximize regional transit – policy goals

Sound Transit will:

- Implement state/regional land use and transportation policies/plans with voter-approved projects and service as part of an integrated, regional, high-capacity transit system.
- Maximize regional transit benefits as efficiently and affordably as possible.
- Partner with jurisdictions and other parties to develop and deliver projects that maximize transit benefits and control project costs.

Consistent and equitable application

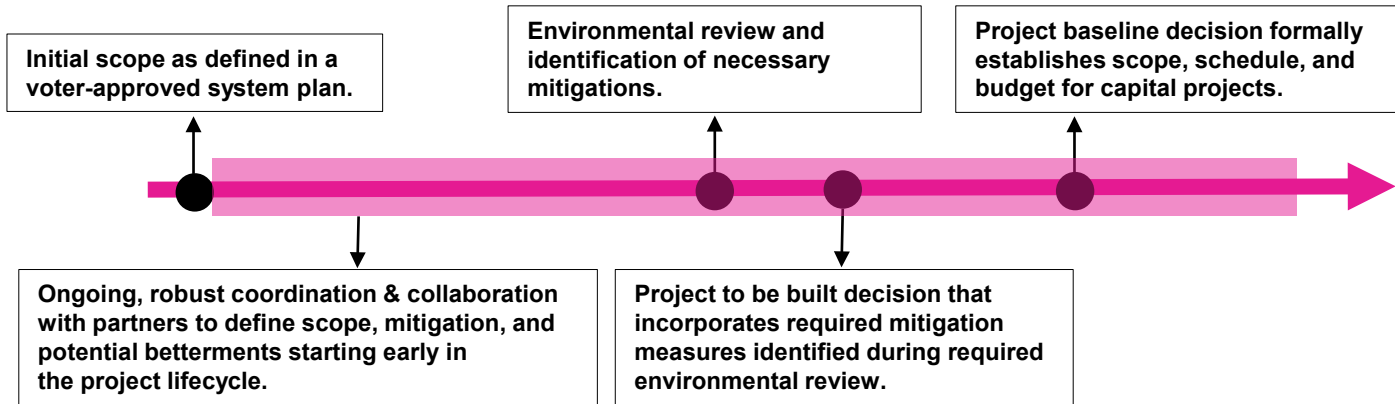
Defining the project scope

- Develop in accordance with voter-approved plans.
- Employ standards and guidelines to define project scope consistently and equitably across the system so that projects meet operational and maintenance needs and support passenger success.
- Document consistently using Sound Transit's procedures and standards for project development and delivery and are reflected in the annual Transit Improvement Plan.

Clear definitions throughout the project life cycle

Project scope during project development

- Defined formally at various milestones to provide a basis for staff to assess features and elements necessary to deliver scope.
- Scope will be defined with increasing specificity to eliminate uncertainty at these milestones.



Early collaboration for durable decision making

Interacting with local regulations

- Sound Transit needs to obtain regulatory approval from authorities having jurisdiction (AHJs) to deliver the project scope approved by the Board.
- Sound Transit will work collaboratively with AHJs to advance projects consistent with their associated schedules and budgets, including by regularly informing AHJs of scope assumptions and opportunities for coordination.
- Sound Transit may employ various strategies to proactively reach early and durable decisions and to resolve disputes.
- Project teams must engage AHJs to determine if a process to develop streamlined permit review is appropriate.

Betterments

Addressing elements beyond scope and mitigation

- A project betterment is an element beyond the project scope approved by the Board.
- Sound Transit requires a requesting party to pay for a project betterment.
- Sound Transit will make every effort to incorporate a project betterment but may decline to do so if it jeopardizes delivery of the baseline scope.
- When Sound Transit and the requesting party are unable to agree on whether an element should be part of the approved scope or is a betterment, project staff must initiate a dispute resolution process.

Dispute resolution

Timely actions to resolve conflicts with partners

- The CEO is authorized to determine what disputes require Board involvement.
- The CEO must create internal process guidance and requirements regarding dispute resolution to ensure disputes are promptly and clearly resolved so projects can stay on schedule.



Next steps

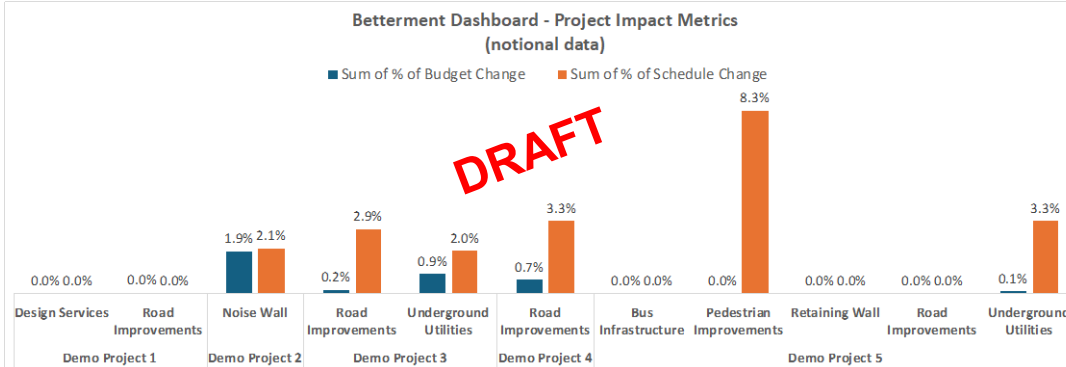
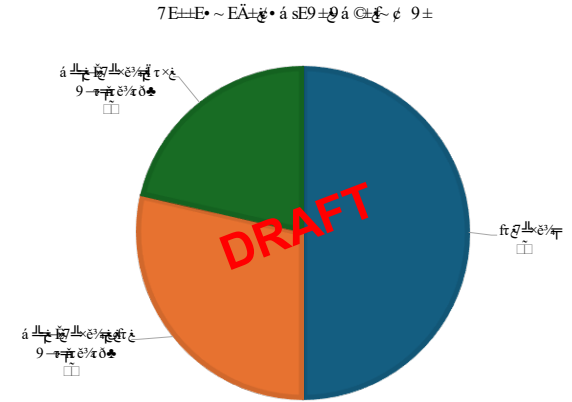
Action plan summary following policy adoption

- Continued commitment to early engagement with project partners (e.g., formal partnering, joint project office, over-the-shoulder reviews, etc.).
- Assess lessons learned from ST2 projects and finalize a betterments dashboard to proactively track across ST3 projects.
- Set key performance indicators to monitor project team performance to include timely resolution of issues.
- Update standard operating procedures and train staff.

Betterments dashboard (in progress)

Creating trust through transparency by providing information such as:

- Betterment type.
- Average time to resolve from betterment identification.
- Sum % of budget change and sum % of schedule change due to betterments.
- Mitigations that reduce impact of unanticipated owner scope increase or third-party requests.



	Sum of % of Budget Change	Sum of % of Schedule Change
Demo Project 1	0.0%	0.0%
Design Services	0.0%	0.0%
Road Improvements	0.0%	0.0%
Demo Project 2	1.9%	2.1%
Noise Wall	1.9%	2.1%
Demo Project 3	1.1%	4.9%
Road Improvements	0.2%	2.9%
Underground Utilities	0.9%	2.0%
Demo Project 4	0.7%	3.3%
Road Improvements	0.7%	3.3%
Demo Project 5	0.2%	11.7%
Bus Infrastructure	0.0%	0.0%
Pedestrian Improvements	0.0%	8.3%
Retaining Wall	0.0%	0.0%
Road Improvements	0.0%	0.0%
Underground Utilities	0.1%	3.3%
Grand Total	3.9%	22.0%

Thank you.



 [soundtransit.org](https://www.soundtransit.org)

