



## Motion No. M2020-35

### Betterment Agreement with King County for the East Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	06/11/2020 06/25/2020	Recommend to Board Final action	Ron Lewis, DECM Executive Director <b>Mike Bell, Sr. Executive Project Director - East Link Extension</b> <b>Jemae Hoffman, Manager - Light Rail Development (East)</b>

### Proposed action

Authorizes the chief executive officer to execute a betterment agreement with King County to reimburse Sound Transit for the cost of design and construction services for the Eastrail project within the East Link Extension in the amount of \$340,000.

### Key features summary

- This betterment agreement includes three King County requested changes to the East Link Extension that will be performed by Sound Transit under the construction contract for the Downtown Bellevue to Spring District Segment (E335) as part of the East Link Extension.
- King County is constructing a pedestrian bridge over NE 8th Street as part of its Eastrail project to provide safe and convenient access to cross NE 8th Street. The final design of that project is occurring during East Link construction.
- The betterment agreement includes three modifications to East Link Extension construction to support the County's future construction of Eastrail:
  - Raise the elevation of the hospital path crossing Sturtevant Creek allowing King County to build a mixing zone for pedestrian and bicycles during construction of Eastrail.
  - Additional Sturtevant Creek soil reinforcements to support King County's 8th Street Bridge trail crossing.
  - Wilburton Station Plaza modifications for a future King County Eastrail stairway connection.
- King County will be responsible for design and construction costs as well as Sound Transit administrative costs of the improvements.
- Sound Transit and King County will enter into a separate Operations and Maintenance agreement to allocate operation and maintenance costs of the Betterments during and after Eastrail construction.
- Although authority has been delegated to the CEO to execute change orders incorporating betterments of this dollar amount, the authority to enter into the underlying betterment agreement has not been delegated and must be approved by the board.

## Background

East Link Extension extends light rail 14 miles from downtown Seattle to downtown Bellevue and the Overlake area of Redmond via I-90, with stations serving Rainier Avenue/I-90, Mercer Island, South Bellevue, Downtown Bellevue, Overlake Hospital, the Bel-Red Corridor, Overlake Village, and the Overlake Transit Center. The East Link project route, profiles, and station locations were selected by the Sound Transit Board on July 28, 2011, and amended on April 25, 2013. In April 2015, the Sound Transit Board established the baseline budget and schedule for the project. Revenue service between Seattle and the Overlake Transit Center is forecasted for 2023.

In 2019, under Motion No. M2019-97, the Sound Transit Board approved a \$3 million contribution towards King County's elevated crossing at NE 8th Street in Bellevue from Sound Transit's System Access Fund. This structure integrates the East Rail Corridor with East Link's Wilburton Station.

All of the requested changes relate to elements of work already in the East Link . Sound Transit will own the improvements. In the future, King County will have the right to build on these Sound Transit owned improvements to build Eastrail.

The requested betterments integrate into Sound Transit's facilities and will not require any additional operation or maintenance costs until the Eastrail elements are constructed. The Parties will enter into a future Operations and Maintenance agreement to allocate operation and maintenance costs of the Betterments during and after Eastrail construction.

This Betterment Agreement contains three changes to construction elements of the Wilburton Station area at King County's request. They include:

- Hospital Path Bridge Mixing Zone Modification – King County requested that Sound Transit raise the elevation of the hospital path bridge crossing Sturtevant Creek between the Wilburton Station and the new walkway to 116th Ave NE by approximately one-foot. The work required a larger footing to support the increased embankment height. The work added soils and landscaping to reflect the higher elevation. This allows King County to build a mixing zone for pedestrians and bicyclists on the pathway during Eastrail construction.
- Sturtevant Creek Soil Reinforcement – King County's NE 8th Street Bridge trail crossing will consist of an at-grade trail, elevated embankment approach ramps, and elevated bridge structure. The north approach ramp closely parallels Sturtevant Creek to the east and consists of mechanically stabilized earth structure located at the top of bank. The County requested Sound Transit install additional geotechnical soil reinforcement to support King County's Eastrail north approach ramp in conjunction with the soil reinforcement Sound Transit is already installing as part of its' Sturtevant Creek reconstruction project.
- Wilburton Station Plaza Modifications (Stairway Connections) – The County in coordination with Sound Transit plans to construct stairs providing a direct connection between the NE 8th Street Bridge crossing and Wilburton Station plaza. To facilitate these improvements, the County is requesting that Sound Transit block out the plaza pavement for future installation of stair footings, delete installation of plaza wall and fencing where it conflicts with stairs, and coordinate on plaza lighting and camera placement.

Sound Transit is the Lead Agency for purposes of ensuring compliance with the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW, for the Sturtevant Creek Reinforcement and the East Link project as a whole. King County is the SEPA Lead Agency for the Eastrail NE 8th Street Crossing project. The County issued a Determination of Non-Significance (DNS) in December 2019. Sound Transit's existing East Link environmental permits will cover the work necessary for the Sturtevant Creek Reinforcement. King County's future proposed pedestrian bridge project will be impacting some of the permanent East Link mitigation area at this location. King County will work with the permitting agencies to acquire approval and permits for any impacts to Sound Transit approved, required mitigation. King

County will also be responsible for meeting any additional mitigation requirements (e.g., revegetation, long-term monitoring) from impacting the Sound Transit approved, required mitigation. The County and Sound Transit will identify and work collaboratively in the future to ensure compliance.

**Project status**

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<b>Project Identification</b>	<b>Project Refinements</b>	<b>Conceptual Engineering/ Environmental Review</b>	<b>Preliminary Engineering</b>	<b>Final Design</b>	<b>Construction</b>

Projected completion date for East Link is 2Q 2023.

Project scope, schedule and budget summary for the East Link Extension are located on page 49 of the March 2020 Agency Progress Report Capital Programs.

**Fiscal information**

The proposed action would authorize a betterment agreement with King County to reimburse Sound Transit for the cost of design and construction services for the Eastrail project within the East Link Extension for an estimated amount of \$340,000.

The scope and cost of these betterments include three requested changes that King County has agreed to be responsible for design and construction costs. These changes to Sound Transit’s E335 construction allow for construction coordination and so that King County can eliminate the costs associated with removing newly constructed station amenities and infrastructure to accommodate the Eastrail project. The betterment costs will be isolated and not recorded as a project cost.

Neither the costs nor the funding for this scope of work has been included in the agency’s long term financial plan. Since the costs will be reimbursed to Sound Transit, this action should not impact either the agency’s long-term financial plan or subarea financial capacity. King County has agreed to pay actual costs.

**Disadvantaged and small business participation**

Not applicable to this action.

**Public involvement**

Not applicable to this action.

**Time constraints**

The contract schedule calls for these modifications to be made by July 2020. A one month delay would have significant impacts to implementing the requested changes.

**Prior Board/Committee actions**

Motion No. M2019-97: Awarded the first round of System Access Funds to the local governments identified for the not to exceed amounts determined by the Board and authorizing the chief executive officer to execute funding agreements consistent with these awards and in compliance with the System Access Fund program guidelines

Motion No. M2017-18: Authorized the chief executive officer to execute a construction contract with Stacy and Witbeck/Atkinson, a Joint Venture, to provide Heavy Civil General Contractor/Construction Manager construction services for the Downtown Bellevue to Spring District segment within the East Link Extension in the amount of \$228,398,210, with a 5% contingency of \$11,419,911 for a total authorized contract amount not to exceed \$239,818,121.

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**Environmental review** – KH 6/2/20

**Legal review** – MT 6/5/20



## Motion No. M2020-35

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a betterment agreement with King County to reimburse Sound Transit for the cost of design and construction services for the Eastrail project within the East Link Extension in the amount of \$340,000.

### Background

East Link Extension extends light rail 14 miles from downtown Seattle to downtown Bellevue and the Overlake area of Redmond via I-90, with stations serving Rainier Avenue/I-90, Mercer Island, South Bellevue, Downtown Bellevue, Overlake Hospital, the Bel-Red Corridor, Overlake Village, and the Overlake Transit Center. The East Link project route, profiles, and station locations were selected by the Sound Transit Board on July 28, 2011, and amended on April 25, 2013. In April 2015, the Sound Transit Board established the baseline budget and schedule for the project. Revenue service between Seattle and the Overlake Transit Center is forecasted for 2023.

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Although authority has been delegated to the CEO to execute change orders incorporating betterments of this dollar amount, the authority to enter into the underlying betterment agreement has not been delegated and must be approved by the board.

## 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 King County to reimburse Sound Transit for the cost of design and construction services for the Eastrail project within the East Link Extension in the amount of \$340,000.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 25, 2020.

  
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Kent Keel  
Board Chair

## Attest:

  
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Kathryn Flores  
Board Administrator