

Motion No. M2020-47

Funding Agreement with the City of Seattle for the Federal Way Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	08/13/2020 08/27/2020	Recommend to Board Final action	Ron Lewis, DECM Executive Director Joseph Gildner, Interim Executive Project Director - Federal Way Link Extension

Proposed action

Authorizes the chief executive officer to execute a funding agreement with the City of Seattle for the City to pay Sound Transit for removal of landfill material from WSDOT right of way at the Midway Landfill site as part of the Federal Way Link Extension in the amount of \$13,348,027.

Key features summary

- Approximately 2,000 feet of the Federal Way Link Extension (FWLE) passes the eastern perimeter of the Midway Landfill, an existing retired superfund site that is owned by Seattle Public Utilities (SPU), a department within the City of Seattle. This section of the FWLE alignment also runs parallel with the western limits of the future expansion of the Washington State Department of Transportation (WSDOT) SR 509 Completion Project.
- Sound Transit's FWLE design-build contract, authorized under Motion No. M2019-49, includes a conditionally-accepted alternative technical concept (ATC) to design and construct an at-grade guideway segment along the landfill's perimeter on WSDOT right-of-way, and next to WSDOT's SR 509 Completion Project. The ATC scope includes the design and construction of a portion of WSDOT's SR 509 Completion Project thereby reducing the potential of future WSDOT construction conflicts and impacts to the FWLE.
- This ATC reduces risk by removing the landfill material and constructing the light rail guideway on suitable backfill and ballast, and reduces overall project cost by eliminating portions of the elevated guideway.
- This action also accommodates the potential future infrastructure expansion for the Operation and Maintenance Facility South (OMFS), should the Board decide to locate the OMFS at the existing Midway Landfill.
- Landfill material exists in the WSDOT right-of-way within the limits of WSDOT's SR 509 Completion Project and FWLE. By previous agreement between WSDOT and SPU, SPU is required to remove landfill material from the WSDOT right-of-way, sufficient for WSDOT to construct the SR 509 Completion Project.
- The proposed funding agreement provides the terms and conditions for the City of Seattle to compensate Sound Transit for completion of the following elements:
 - Removal of landfill material from the WSDOT right-of-way while Sound Transit also removes municipal solid waste from the FWLE project area;

- Construction of certain earthworks elements supporting future travel lanes for the SR 509 Completion Project;
 - Replacement of SPU's storm water drainage system on WSDOT property;
 - Reconstruction of a portion of the cover and gas collection system for the adjoining landfill area; and
 - Completion of all other clean-up action work as required by Washington State Department of Ecology in compliance with the Prospective Purchaser Consent Decree (PPCD).
- Sound Transit will complete this work through the existing design-build contract for the FWLE.
 - Sound Transit and SPU have agreed to an amount of \$13,348,027 for the agreement elements. SPU will maintain and control a hazardous material contingency of \$123,000 to address potential additional costs of hazardous material should it be encountered.
 - Staff is also seeking Board approval on a separate action, Motion No. M2020-48 to authorize an agreement with WSDOT relating to the Midway landfill. If approved, staff will return to the Board to request an increase the FWLE design-build contract to cover the work specified in these agreements.

Background

The Federal Way Link Extension adds approximately 7.8 miles of light rail from the Angle Lake light rail station at South 200th Street in the City of SeaTac to the Federal Way City Center area in Federal Way. The extension generally parallels State Route 99 and Interstate 5, with stations at Kent/Des Moines, South 272nd/Star Lake Park and Ride, and the Federal Way Transit Center. New parking structures will be constructed at each of the three stations. Revenue service is scheduled for December 2024.

The ST2 Plan, approved by voters in 2008, included environmental studies and preliminary engineering design for light rail connecting SeaTac to Des Moines, Kent, and Star Lake. The ST2 Plan also included construction of light rail from the Angle Lake Station to the Kent/Des Moines Station and the 272nd Station. In 2016 the voters approved the ST3 Plan, which provided financing to extend the light rail to the Federal Way Transit Center.

This agreement facilitates a necessary component for WSDOT's construction of the SR 509 Completion Project, which is partially SPU's responsibilities to WSDOT. WSDOT and the Federal Highway Administration (FHWA) published a Final Environmental Impact Statement (EIS) in January 2003 and FHWA issued its Record of Decision for the project in March 2003. The Federal Way Link Extension Final Environmental Impact Statement was issued on November 18, 2016, pursuant to the State Environment Act (SEPA) and National Environmental Policy Act (NEPA). On January 26, 2017, the Sound Transit Board selected the route, profile, stations, parking garages, and associated infrastructure to be built for the Federal Way Link Extension. In early March 2017, the Federal Transit Administration (FTA) and FHWA issued Records of Decision.

On September 27, 2018, the Sound Transit Board approved the FWLE baseline schedule and budget in Resolution No. R2018-30.

On June 7, 2019, Sound Transit executed a design-build contract for construction of the FWLE. At time of contract execution, the scope of the contract included a conditionally-accepted at-grade guideway (approximately ½-mile in length) passing through WSDOT right-of-way being used by SPU as a landfill. WSDOT has agreed to transfer this right-of-way to Sound Transit. Based on the risk reduction and cost savings associated with this ATC and the resulting at-grade alignment, Sound Transit is moving forward with the design-build contractor to implement the ATC.

The ATC design requires Sound Transit’s design-build contractor to open a portion of the protective landfill cap and remove landfill material from the future location of the SR 509 Completion Project and FWLE at the same time.

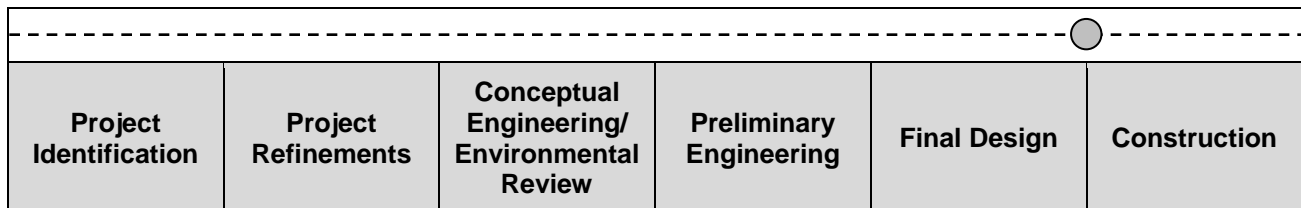
The WSDOT SR 509 Completion Project includes improvements in the I-5 right-of-way running parallel to the east perimeter of the Midway Landfill and abutting the proposed FWLE at-grade alignment. The WSDOT project requires SPU to remove landfill material from the WSDOT right-of-way sufficient for WSDOT to construct the SR 509 Completion Project. The ATC design will realize some of its cost savings by clearing the SR 509 Completion Project site at the same time it clears the FWLE project site and partially replace the landfill material with clean fill excavated from other FWLE construction sites.

In October 2018, through Motion No. M2018-109, Sound Transit and WSDOT executed a construction and funding agreement. The reimbursable agreement provides that Sound Transit will design and construct certain elements of WSDOT’s SR 509 Completion Project.

The Midway Landfill is a retired facility under a Consent Decree with the Washington State Department of Ecology (WSDOE). An amendment to the Consent Decree was completed in order for SPU to comply with its obligation to WSDOT and perform construction work, and for Sound Transit to construct the FWLE at-grade alignment through this area.

For the amendment to the Consent Decree, Sound Transit worked collaboratively with WSDOT, SPU, WSDOE, and the U.S. Environmental Protection Agency to identify the regulatory path to advance the ATC. In conjunction with this collaborative approach WSDOE prepared documentation, conducted public outreach, and held a public hearing. Upon the close of the public comment period, WSDOE final documents include an amendment to the Consent Decree which is an agreement between WSDOE and SPU and a Prospective Purchaser Consent Decree which is the agreement between WSDOE and Sound Transit. These documents provide the framework for the regulatory approval of design and construction of the at-grade segment concept.

Project status



Projected completion date for Design and Construction: 2024

Project scope, schedule and budget summary are located on page 83 of the May 2020 Agency Progress Report – Capital Programs.

Fiscal information

This proposed action establishes a funding agreement with City of Seattle to pay Sound Transit for certain elements of the ATC design relating to the SR 509 Completion Project at the Midway Landfill as part of the Federal Way Link Extension.

Neither the cost nor the funding for this scope of work has been included in the agency’s long term financial plan. This action will not impact either the agency’s long-term financial plan or the subarea financial capacity and is independent of any grant applications.

The work will be performed through the existing design build contract for the design and construction of the Federal Way Link Extension with Kiewit Infrastructure West Co. A change order will be executed with the design-build contractor to perform this work.

Disadvantaged and small business participation

Not applicable to this action

Public involvement

Throughout the development of the Federal Way Link Extension, Sound Transit conducted an extensive public involvement program including mailings, community open houses, and presentations and meetings with individuals and neighborhood groups. Sound Transit also participated in WSDOT-led efforts to educate the community on the SR 509 Completion Project and the Ecology-led public outreach process for the FWLE and SR 509 Project at the Midway Landfill, which included a comment period and public hearing.

Time constraints

Timely approval of this action will accommodate the construction schedule of the FWLE. A one-month delay is not preferred for optimal alignment with project delivery.

Prior Board/Committee actions

Motion No. M2019-49: Authorized the chief executive officer to execute a design-build contract with Kiewit Infrastructure West Co. to complete final design and construction of the Federal Way Link Extension in the amount of \$1,285,200,000 with a 10 percent contingency of \$128,520,000 for a total authorized contract amount not to exceed \$1,413,720,000.

Motion No. M2018-109: Authorized the chief executive officer to execute a construction and funding agreement with Washington State Department of Transportation for Sound Transit to design and construct certain elements related to the SR 509 project, as part of the Sound Transit Federal Way Link Extension design-build contract.

Environmental review – KH 8/4/20

Legal review – JW 08/10/20



Motion No. M2020-47

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a funding agreement with the City of Seattle for the City to pay Sound Transit for removal of landfill material from WSDOT right of way at the Midway Landfill site as part of the Federal Way Link Extension in the amount of \$13,348,027.

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The proposed funding agreement provides the terms and conditions for the City of Seattle to compensate Sound Transit for completion of the following elements:

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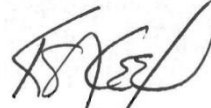
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Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a funding agreement with the City of Seattle for the City to pay Sound Transit for removal of landfill material from WSDOT right of way at the Midway Landfill site as part of the Federal Way Link Extension in the amount of \$13,348,027.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 27, 2020.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator