



Motion No. M2021-64

A motion of the Board of the Central Puget Sound Regional Transit Authority (1) authorizing the chief executive officer to proceed with the project development, design, and environmental work approved in Motion No. M2019-88 and Motion No. M2021-51, and accept present value Land Bank Credits as reimbursement for fish passage betterments at the Brickyard Park and Ride Station and the Tukwila International Boulevard Inline Station, and (2) delegating authority to the System Expansion Committee to approve present-value Land Bank Credits as reimbursement for fish passage betterments required by the Permanent Injunction Related to Culvert Correction.

Background

The voter-approved ST3 Plan identified I-405 BRT to serve stations at Brickyard Park and Ride and Tukwila International Boulevard. Sound Transit is partnering with WSDOT to deliver components of both of these BRT stations.

In August 2019, through Motion No. M2019-88, the System Expansion Committee approved a task order with WSDOT to provide professional services for project development and environmental review of the I-405/Brickyard Inline BRT Station (Brickyard). In September 2021, through Motion No. M2021-51, the Board approved a task order with WSDOT to provide similar services for the Tukwila International Boulevard Inline Station (TIBS). Additional Board action is required to approve Sound Transit funding and WSDOT repayment for fish passage betterments required by WSDOT.

WSDOT is required by the United States District Court Permanent Injunction Related to Culvert Correction (2013) to implement fish passage barrier corrections near the proposed Brickyard Park and Ride Station (Brickyard). In implementing its obligations, WSDOT has required Sound Transit to include certain elements related to fish passage barrier corrections as part of the scope of Brickyard project. In addition, Sound Transit and WSDOT need to jointly perform the design work to determine if the Permanent Injunction also requires fish passage correction work at TIBS.

WSDOT has offered to reimburse Sound Transit for the costs associated with the fish passage correction work at Brickyard with Land Bank Credits. Sound Transit can use the Land Bank Credits to pay WSDOT rent for light-rail's occupancy of WSDOT right-of-way. After additional design work to determine whether a fish barrier correction at TIBS is required by the Permanent Injunction, WSDOT will likely offer to reimburse the cost of any required fish passage improvements at TIBS with Land Bank Credits.

Pursuant to the Board's Reimbursement Policy, Motion No. M2002-22, Sound Transit requires jurisdictions to reimburse Sound Transit for betterments in year-of-expenditure dollars based on the year Sound Transit will expend the funds. Land Bank Credits do not satisfy this requirement because credits do not increase in value over time. An exception to the year-of-expenditure dollars reimbursement requirement for betterments at Brickyard and TIBS is appropriate because the Brickyard and TIBS design and construction work between now and 2027 is the reason that WSDOT is required to incur the expense to construct the fish passage as part of those projects instead of many years later at the end of the existing fish passages useful life. WSDOT should not be charged interest on funds advanced by Sound Transit for fish passage work because WSDOT would not have incurred the expense at this time but for Sound Transit's projects.

Because there are other components of both the I-405 and SR 522 BRT Projects that may require fish passage correction work, the authority to accept present-value Land Bank Credits as reimbursement of fish passage correction work necessitated by any BRT Project should be delegated to the System

Expansion Committee's existing authority to approve contracts and task orders required to implement that work.

Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that with respect to the Brickyard Park and Ride Station BRT Project, the chief executive officer is authorized to proceed with all work authorized by Motion No. M2019-88 and to accept present-value Land Bank Credits as reimbursement for all fish passage barrier correction work (planning, design, engineering, and construction) performed by WSDOT. The chief executive officer is further authorized to proceed with the design and project development work approved in Motion No. M2021-51 for the Tukwila International Boulevard Inline Station to the extent required to determine whether fish passage correction work, if any, is required by "other applicable law" pursuant to the Permanent Injunction Related to Culvert Correction. If fish passage correction work is required to implement the TIBS Project, present-value Land Bank Credits are approved as reimbursement for this work (planning, design, engineering, and construction).

It is further moved that the System Expansion Committee is delegated the authority to accept present-value Land Bank Credits as reimbursement for fish passage correction work necessitated by BRT Project construction schedules.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____.

Kent Keel
Board Chair

Attest:

Kathryn Flores
Board Administrator