



## Motion No. M2022-33

### Funding Agreement with the City of Kirkland for Project Development, Design, and Construction for the Stride Bus Rapid Transit Program NE 85th Street Arterial Improvements

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	05/12/2022 05/26/2022	Recommend to Board Final action	Ron Lewis, Executive Director, DECM <b>Bernard van de Kamp, Program Executive Bus Rapid Transit</b> <b>Paul Cornish, Strategic Projects Director – Bus Rapid Transit</b>

#### Proposed action

Authorizes the chief executive officer to execute a funding agreement with the City of Kirkland for the City of Kirkland to provide project development, environmental review, stakeholder and community engagement, design, permitting, and construction of the NE 85th Street Arterial Improvements in the amount of \$14,480,000 with a 10 percent contingency in the amount of \$1,448,000 for a total authorized agreement amount not to exceed \$15,928,000.

#### Key features summary

- This action authorizes execution of an agreement with the City of Kirkland to fund professional services and construction of Stride Bus Rapid Transit Program NE 85th Street Arterial Improvements. Professional services include project development, environmental review, stakeholder and community engagement, permitting, and final design.
- The Stride Bus Rapid Transit Program NE 85th Street Arterial Improvements consist of three projects that are scheduled for delivery before planned revenue service of the Stride I-405 BRT S2 Project and 2026 completion of the NE 85th Street Interchange and In-line Bus Rapid Transit (BRT) Station):
  - An additional eastbound general purpose traffic lane on NE 85th Street between 120th Avenue NE and 122nd Avenue NE that must be complete before operation of the WSDOT I-405/NE 85<sup>th</sup> Street Interchange, that will be delivered by WSDOT under a separate Sound Transit agreement,
  - A pedestrian and bicycle trail connection between the NE 85th Street BRT station and 6th Street,
  - A westbound transit queue jump at the intersection of NE 85th Street and 6th Street to facilitate local transit travel to downtown Kirkland.
- The Board identified NE 85<sup>th</sup> Street Arterial improvements as part of the Stride I-405 BRT Project to be built, to enhance access and connections to the NE 85th Street BRT (Stride) Station in lieu of the bus only lanes along NE 85th Street between 6th Street and 114th Avenue NE/Kirkland Way that were in the ST3 representative project.

## Background

Sound Transit is partnering with WSDOT to deliver the NE 85th In-line Stride BRT station within the City of Kirkland. This Stride station and associated rebuilt interchange will provide connections to local transit operating on NE 85<sup>th</sup> Street and will be a significant enhancement to the City's mobility plans by providing and improving multi-modal connections between the City and the Central Puget Sound region.

The agreement in this action will provide the funding to reimburse the City of Kirkland efforts for project development, preliminary design, environmental review, stakeholder and community engagement, final design, permitting, and construction of three multi-modal access projects that will enhance connections between the NE 85<sup>th</sup> Stride station and the surrounding community:

- An additional eastbound general purpose traffic lane along NE 85th Street between 120th Street NE and 122nd Street NE that must be complete before operation of the WSDOT I-405/NE 85<sup>th</sup> Street Interchange, that will be delivered by WSDOT under a separate Sound Transit agreement.,
- A pedestrian-bike trail connection between NE 6th Street and the Stride station, and
- A westbound transit queue jump at the intersection of NE 85<sup>th</sup> Street and 6<sup>th</sup> Street to facilitate local transit travel to downtown Kirkland.

The City will deliver the projects before the NE 85<sup>th</sup> interchange opens to traffic in 2026 (the timing established by the Board's 2021 realignment direction). The additional lane project must be complete before the interchange operates as it is integral to the interchange traffic operation and WSDOT's Access Revision Report approval.

The amount authorized by the Board is Sound Transit's maximum funding obligation, based on an agreed estimate of costs to complete all work on all three NE 85<sup>th</sup> Street Arterial improvements. Sound Transit will reimburse actual costs incurred by the City up to the authorized amount, and the City will procure and perform all phases of the work. The Parties agree that this funding amount is estimated to be sufficient to complete all three Improvements within the time frames agreed. The City of Kirkland will conduct project-level environmental review, and stakeholder and community engagement for these multi-modal access projects. Kirkland's environmental review must be completed before construction funding is released. Sound Transit and City staff will jointly review the projects costs, scopes and schedules at 30 percent, 60 percent and 90 and 100 percent plan development, and during construction, to monitor progress and review updated costs estimates for completion. The agreement allows flexibility for the parties to agree to adjust allocation of the authorized funds between the projects or adjust schedule, and for the City to adjust scopes if needed. Funding that remains after ensuring completion of the lane and the trail improvements may be allocated to the queue jump improvement, and Sound Transit will retain any funds remaining after completion of all three improvements.

WSDOT issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the I-405/NE 85th Interchange and in-line station project (addressing the eastbound lane in the first bullet listed above as mitigation) on August 31, 2020. Sound Transit issued SEPA DNS for the I-405 BRT Project on September 30, 2020. The I-405 BRT Project and environmental review anticipated these multi-modal connections. The City of Kirkland is the SEPA Lead Agency for the environmental review of these connections, including the pedestrian-bike connection and the westbound transit queue jump improvements described above. Environmental review of these projects is part of the scope in this agreement. Construction funding included in this agreement will not be authorized until the city completes the project development, environmental review, and final design phases for these projects.

## Project status

<b>Project Identification</b>	<b>Alternatives Identification</b>	<b>Conceptual Engineering/ Draft EIS</b>	<b>Preliminary Engineering/ Final EIS</b>	<b>Final Design</b>	<b>Construction</b>
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The I-405 BRT Conceptual Engineering/Environmental Review, Preliminary Engineering was completed 2Q 2022.

Project scope, schedule, and budget summary located on page 169 of the March 2022 Agency Progress Report.

## Fiscal information

This action is within the authorized project allocation and sufficient funds remain after approval of this action to fund the remaining work in the construction phase as contained in the current cost estimates of this project.

The authorized project allocation for the I-405 Bus Rapid Transit project is \$703,930,255. Within that amount, \$578,509,000 has been allocated to the construction phase of which \$306,000,000 is identified for the Design-Build Delivery which includes the I-405/NE 85th Street In-line Freeway Station. This action would commit and additional \$15,928,000 to this line item and leave a remaining budget balance of \$15,054,494.

### I-405 Bus Rapid Transit Project

(in thousands)

Project Phase	Authorized Project Allocation	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Administration	\$18,587	\$14,582		\$14,582	\$4,005
Preliminary Engineering	49,181	43,386		43,386	5,795
Final Design	17,415	2,146		2,146	15,269
Third Party Agreements	1,690	906		906	784
Right of Way	36,833	28,359		28,359	8,474
Construction	578,509	406,332	15,928	422,260	156,249
Construction Services	1,716	412		412	1,304
<b>Total Current Budget</b>	<b>\$703,930</b>	<b>\$496,122</b>	<b>\$15,928</b>	<b>\$512,050</b>	<b>\$191,880</b>
<b>Phase Detail - Construction</b>					
WSDOT NE 85th Construction	\$306,000	\$271,000	\$15,928	\$286,928	\$15,054
Other Construction	276,526	276,516		276,516	10
<b>Total Phase</b>	<b>\$578,509</b>	<b>\$406,332</b>	<b>\$15,928</b>	<b>\$422,260</b>	<b>\$156,249</b>

City of Kirkland	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Agreement Amount	\$	\$	\$14,480	\$14,480
Contingency			1,448	1,448
<b>Total Agreement</b>	<b>\$</b>	<b>\$</b>	<b>\$15,928</b>	<b>\$15,928</b>
Percent Contingency	0%	0%	10%	10%

#### Notes:

Amounts are expressed in Year of Expenditure \$000s.

\* Board Approvals = Commitment and PO Contingency Remaining as of 5/5/2022.

For detailed project information, see page 156 of 219 of the 2022 Financial Plan & Adopted Budget Book.

The current cost estimate for the I-405 Bus Rapid Transit project is \$1,198 million in 2022\$ and is

affordable within the Agency's Finance Plan. Staff is managing the project toward a 2026 delivery (2027 delivery for I-405 North and 2034 delivery for the parking), consistent with both Affordable and Target Schedules. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-21 and does not impact the affordability of any other system expansion project.

## **Disadvantaged and small business participation**

The agreement requires the City to include in construction contracts, goals matching the Sound Transit Project Labor Agreement labor compliance goals and requires contractors to utilize Sound Transit's reporting system to track, monitor and collect workforce data. Required project-wide goals matching Sound Transit's goals include percentages for number of hours worked for Washington State registered apprentices, workers of color, and hours worked by women.

## **Public involvement**

Various stakeholders and the public were engaged during the concept development of the NE 85th Street Interchange and In-line Station project beginning in 2018. As the interchange project developed, the City and Sound Transit had ongoing discussions regarding enhanced access to the NE 85th Street Stride station. The Kirkland City Council and Sound Transit exchanged letters in August of 2019 confirming the projects that are now referred to as the NE 85th Street Arterial Improvements, and the conceptual projects were a part of a public open house featuring the Interchange and Stride Station around that time.

The City will lead stakeholder involvement for the NE 85th Arterial Improvements during project development, final design, permitting, and construction.

## **Time constraints**

A one-month delay would not create a significant impact to the project schedule.

## **Prior Board/Committee actions**

Motion No M2022-05: 1) Authorized the chief executive officer to execute a construction agreement with the Washington State Department of Transportation for the design-build delivery of the I-405/NE 85th Street Interchange and In-line Freeway Station for the I-405 Bus Rapid Transit Project, in the amount of \$271,000,000 with a 6 percent contingency of \$16,260,000 for a total authorized agreement amount not to exceed \$287,260,000 and 2) approved present-value Land Bank credits as reimbursement for fish passage correction in an estimated amount of \$7.1 million included in the amount authorized, that may be paid to mitigation fund in lieu of reconstruction of fish passage at this interchange.

Resolution No. R2021-08: Selected the route, and station locations for the I-405 Bus Rapid Transit Project to be built, including "NE 85<sup>th</sup> Street arterial improvements to facilitate transit and non-motorized access to the NE 85<sup>th</sup> BRT station from downtown Kirkland and surrounding neighborhoods" and "inline BRT stations along direct access ramps at a reconstructed I-405/NE 85th Street interchange to serve downtown Kirkland and surrounding neighborhoods" (I-405/NE 85<sup>th</sup> Street Interchange and Inline BRT Station Project).

**Environmental review** – KH 4/7/22

**Legal review** – JSA 5/6/22

## Motion No. M2022-33

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 Kirkland for the City of Kirkland to provide project development, environmental review, stakeholder and community engagement, design, permitting, and construction of the NE 85th Street Arterial Improvements in the amount of \$14,480,000 with a 10 percent contingency in the amount of \$1,448,000 for a total authorized agreement amount not to exceed \$15,928,000.

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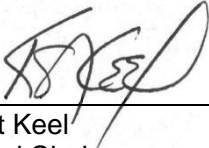
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**Motion**

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 Kirkland for the City of Kirkland to provide project development, environmental review, stakeholder and community engagement, design, permitting, and construction of the NE 85th Street Arterial Improvements in the amount of \$14,480,000 with a 10 percent contingency in the amount of \$1,448,000 for a total authorized agreement amount not to exceed \$15,928,000.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 26, 2022.

  
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Kent Keel  
Board Chair

**Attest:**

  
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Kathryn Flores  
Board Administrator