Motion No. M2022-70
Amendment to Agreement with Washington State Department of Transportation for Mitigation of the SR520 Maintenance Spoil Processing Site for Construction of East Link Extension

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<th>Meeting:</th>
<th>Date:</th>
<th>Type of action:</th>
<th>Staff contact:</th>
</tr>
</thead>
<tbody>
<tr>
<td>System Expansion Committee</td>
<td>08/18/2022</td>
<td>Final action</td>
<td>Ron Lewis, DECM Executive Director</td>
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<td>Jon Lebo, Executive Project Director East Link</td>
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**Proposed action**

Authorizes the chief executive officer to execute an amendment to the SR 520 Maintenance Spoil Processing Site mitigation agreement with the Washington State Department of Transportation (WSDOT) to provide an additional mitigation payment to WSDOT in the amount of $1,750,393 for a total amount not to exceed $3,131,498.

**Key features summary:**

- Sound Transit’s selected alignment for the light rail system included construction of a guideway and associated light rail facilities along the south side of SR520 west of the 148th Ave NE interchange. The Washington State Department of Transportation (WSDOT) operates a maintenance spoil processing site (MSPS) at that location. Prior to East Link construction, WSDOT used the MSPS to store and process soil and other debris from WSDOT maintenance activities.

- In 2016 Sound Transit executed a mitigation agreement (approved by Board Motion No. M2015-119) with WSDOT to compensate WSDOT for temporary closure of the MSPS during construction of the East Link Extension.

- The mitigation agreement provided for WSDOT to haul and dispose of its maintenance spoils directly to permitted disposal facilities rather than use the MSPS. Sound Transit agreed to restore the MSPS site after completion of East Link Construction and compensate WSDOT for the additional costs to temporarily haul maintenance spoils directly to permitted facilities.

- During East Link final design it was determined it was more cost effective to negotiate a permanent mitigation plan with WSDOT to discontinue use of the MSPS for maintenance spoils processing and embankment of soil rather than restore the site for WSDOT use after East Link construction is complete.

- Under the amendment, Sound Transit will pay WSDOT a one-time additional mitigation payment of $1,750,393 to compensate WSDOT for the loss of the remaining MSPS capacity and to continue to haul and dispose of maintenance soils at permitted disposal facilities. No additional environmental review is required due to the conditions in this amendment.
Background

In 2016, Sound Transit and WSDOT executed an agreement for a mitigation plan for the SR 520 Maintenance Spoil Processing Site (MSPS) during East Link construction. Under the agreement, Sound Transit agreed to restore the site at the completion of East Link construction and to compensate WSDOT in the amount of $1,381,105 for WSDOT’s costs to mitigate temporary loss of WSDOT’s use of the MSPS. This was necessary to allow Sound Transit’s contractor access to the area for the construction. The funding under the agreement provided mitigation for the additional costs WSDOT incurred to transport street sweeper and maintenance spoils directly to permitted waste facilities, rather than use the MSPS for sorting of waste and embankment of remaining suitable material on site.

The restoration requirements in the mitigation agreement included direct access from SR520, room to process the sweeper spoils and future embankment fill capacity of 15,855 cubic yards of suitable maintenance spoils. During Sound Transit’s evaluation of design alternatives during the Design Build process for the E360 contract, it was determined to be more cost effective to negotiate a permanent mitigation cost with WSDOT for their loss of use at this site for maintenance spoils processing and embankment of soil. The amendment would provide for Sound Transit to pay WSDOT an additional one-time mitigation payment of $1,750,393 to continue hauling spoils material directly to permitted waste facilities rather than returning the site to the agreed capacity for managing WSDOT maintenance spoils.

Project status

Projected completion date for E360 Substantial Completion 1Q 2023.

Project scope, schedule and budget summary are located on page 24 of the June 2022 Agency Progress Report.

Fiscal information

This action is within the baseline budget and sufficient monies remain after approval of this action to fund the remaining work in the third parties phase. This action does not impact the affordability of any other system expansion project.

The baseline budget for the East Link project is $3,677,150,000. Within the third parties phase, $18,294,456 has been allocated to the WSDOT FD-Construction Coordination including for mitigating impacts to WSDOT for the State Route SR 520 Maintenance Spoil Processing Site This action would commit $1,750,393 to this budget line item and leave a budget balance of $2,082,078.
Disadvantaged and small business participation
Not applicable to this action.

Public involvement
Not applicable to this action.

Time constraints
A one-month delay would create an impact to the project schedule. This amendment is needed prior to WSDOT acceptance of the temporary construction area, which is anticipated in 4Q of 2022.

Prior Board/Committee actions

Motion No. M2015-119: Authorized the chief executive officer to execute an agreement with the Washington State Department of Transportation to pay WSDOT to mitigate East Link Extension construction impacts to the Maintenance Spoil Processing Site in the amount of $1,381,105.

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Environmental review – KH 8/4/22

Legal review – JV 8/11/2022
Motion No. M2022-70

A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an amendment to the SR 520 Maintenance Spoil Processing Site mitigation agreement with the Washington State Department of Transportation (WSDOT) to provide an additional mitigation payment to WSDOT in the amount of $1,750,393 for a total amount not to exceed $3,131,498.

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Under the amendment, Sound Transit will pay WSDOT a one-time additional mitigation payment of $1,750,393 to compensate WSDOT for the loss of the remaining MSPS capacity and to continue to haul and dispose of maintenance soils at permitted disposal facilities. No additional environmental review is required due to the conditions in this amendment.
Motion

It is hereby moved by the System Expansion Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an amendment to the SR 520 Maintenance Spoil Processing Site mitigation agreement with the Washington State Department of Transportation (WSDOT) to provide an additional mitigation payment to WSDOT in the amount of $1,750,393 for a total amount not to exceed $3,131,498.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on ____________________.

Claudia Balducci
System Expansion Committee Chair

Attest:

Kathryn Flores
Board Administrator