

REGIONAL TRANSIT AUTHORITY

RESOLUTION NO. 36

A RESOLUTION of the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region authorizing the Executive Director to execute contract amendments and administer amended contracts with Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim, BRW, Inc. and Parsons Brinckerhoff Quade and Douglas, Inc. and ICF Kaiser Engineers, Inc. for additional services necessary to complete work required for the Commuter Rail Project.

WHEREAS, a Regional Transit Authority ("RTA") has been created for the Pierce, King and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, by Resolution No. 3, adopted October 8, 1993, the RTA Board authorized the performance of feasibility studies for commuter rail services between Seattle and Everett and between Tacoma and Lakewood in support of the Regional Transit Project; and

WHEREAS, by Resolution No. 4, adopted October 8, 1993, the RTA Board authorized project level planning and preparation of an environmental assessment for the South Corridor Commuter Rail Project, including service between Tacoma, Renton and Seattle ; and

WHEREAS, by Resolution No. 12, adopted January 28, 1994, the RTA Board adopted a Preliminary Budget for the Calendar Year 1994, and further provided that the adopted budget would be subject to additional review and amendment as the Authority's financial resources and obligations become clearer in 1994; and

WHEREAS, by Resolution No. 16, adopted February 25, 1994, the RTA Board authorized the filing of an application for and the acceptance of Washington State High Capacity Transportation (HCT) Account grant funds for state fiscal year 1995, and further authorized the commencement of negotiations to secure the assignment to the RTA of existing interlocal agreements as may be necessary to appropriately allocate any unexpended and available state fiscal year 1994 HCT grant funds; and

WHEREAS, by Resolution No. 24, adopted April 22, 1994, the RTA Board recognized the feasibility of commuter rail service between Seattle and Everett and between Tacoma and Lakewood and expressed its intent to include these services in the Regional Transit System Long Range Master Plan and directed the Executive Director to prepare a comprehensive work program and schedule for the expanded commuter rail system consistent with the Board's overall work program and to recommend any required budget amendment or consultant support contract; and

WHEREAS, by Resolution No. 30, adopted July 8, 1994, the RTA Board approved a budget amendment to include additional expenditures and pass through grant revenues for interlocal agreements; and

WHEREAS, as provided by RCW 81.112.030(1), the Joint Regional Policy Committee ("JRPC") adopted and recommended a system and financing plan entitled the Regional Transit System Plan to the RTA, and said plan provided policy direction that commuter rail service between Seattle and Tacoma be implemented within two-years of locally committed funding; and

WHEREAS, in response to said policy direction, by Resolution No. 6453, adopted November 5, 1992, the Council of the Municipality of Metropolitan Seattle, authorized revisions to the general procedures for a competitive procurement process to consider proposals for the Commuter Rail Project, and in accordance with established procedures for the authorization, selection and use of consultants, selected the firm of Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim to provide legal services to negotiate agreements related to the Commuter Rail Project; and

WHEREAS, by Resolution No. 6079, adopted March 7, 1991, the Council of the Municipality of Metropolitan Seattle, authorized the execution of Contract CT/M48-90 with BRW, Inc. for environmental planning services for the Regional Transit Project; and

WHEREAS, by Resolution No. 6502, adopted March 4, 1993, the Council of the Municipality of Metropolitan Seattle, further authorized the execution of Amendments Nos. 2

and 3 to Contract CT/M48-90 for the continuance of environmental planning services for the Regional Transit Project, including commuter rail; and

WHEREAS, by Resolution No. 6113, adopted May 2, 1991, the Council of the Municipality of Metropolitan Seattle, authorized the execution of Contract CT/F02-91 with Parsons Brinckerhoff Quade and Douglas, Inc. and ICF Kaiser Engineers, Inc. for planning and engineering services for the Regional Transit Project which contract was subsequently been amended, as authorized by Council Resolutions No. 6434 and 6623, to provide additional engineering and planning for said Project, including the south corridor commuter rail element; and

WHEREAS, in order to respond to the JRPC's two-year commitment and due to the long lead time required for the acquisition of property, design and construction of stations and the procurement of rail vehicles, it is both necessary and proper to continue and expand the existing contracts for legal services needed for vehicle procurement, for environmental planning services to complete the necessary environmental review documents, for services to complete right-of-way tasks necessary prior to property acquisition and for planning and engineering services for commuter rail;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Regional Transit Authority as follows:

Section 1. The RTA Board hereby authorizes the Executive Director to make appropriate arrangements with and between the King County Department of Metropolitan Services and consultants involved in commuter rail planning for the RTA as maybe required to amend existing contracts with Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim, BRW, Inc., and Parsons Brinckerhoff Quade and Douglas, Inc. and ICF Kaiser Engineers, Inc. to complete the work necessary on the Commuter Rail Project.

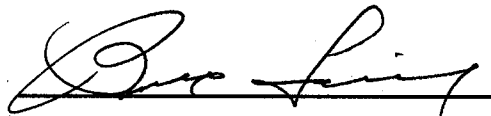
Section 2. The RTA Board hereby authorizes the Executive Director to execute Amendment No. 1 to Contract No. RFP 1-92 for professional legal services with Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim to provide legal counsel relating to trackage

and operations for the Commuter Rail Project, in an amount not to exceed \$310,000 of which services are to be substantially as described in Exhibit A attached hereto.


Section 3. The RTA Board hereby authorizes the Executive Director to execute Amendment No. 4 to Contract CT/M48-90 for environmental planning services and right-of-way services with BRW, Inc. in an amount not to exceed \$430,000 in order to complete work necessary for the Commuter Rail Project which services are to be substantially as described in Exhibits B and C attached hereto.

Section 4. The RTA Board hereby authorizes the Executive Director to execute Amendment No. 3 to Contract CT/F02-91 for additional planning and engineering services with Parsons Brinckerhoff Quade and Douglas, Inc. and ICF Kaiser Engineers, Inc. in the amount not to exceed \$790,000 in order to complete work necessary for the Commuter Rail Project which services are to be substantially as described in Exhibits D attached hereto.

ADOPTED by the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region at a regular meeting thereof held on the 23rd day of September, 1994.


Bruce Laing
Chair of the Board

ATTEST:


Board Administrator

**Exhibit A to Amendment No. 1 to
Contract RFP 1-92**

Scope of Services

1. Provide legal advice on federal laws and regulations relating to trackage and operations for the Commuter Rail Project.
2. Provide legal advice on Washington State laws and regulations relating to trackage and operation of the Commuter Rail Project.
3. Develop proposed procurement strategies for commuter rail operations including analysis of purchase of service versus competitive procurement approaches.
4. Review and analyze operations and maintenance contract proposals.
5. Participate in the negotiations process with railroads and other parties affected by commuter rail operations.
6. Develop contract provisions which allow the RTA to monitor and control operating costs during the contract period.
7. Assist in developing contract language which provides the RTA with flexibility in modifying services over time.
8. Assist in developing capital cost allocations methodologies and negotiating cost sharing agreement with affected railroads and other parties.

EXHIBIT B
TO CONTRACT NO. CT/M 48-90 BRW, INC.

SEATTLE-TACOMA COMMUTER RAIL EA

SCOPE OF WORK

- A. Project Management** - Continue project management, coordinating the work of six subconsultants and working closely with RTA environmental staff on a daily basis.
- B. Meetings Coordination** - Attend weekly environmental team meetings, weekly commuter rail core team meetings and any other coordination meetings as required. Attend all public hearings/open houses on the EA/SEIS, attend other community meetings as required during the public review process.
- C. Maintenance Facility** - Participate in the identification of site(s) and site analysis for a commuter rail maintenance base. Analysis will include evaluation of local planning and zoning consistency, community disruption, air quality, noise, energy, historic/archaeological resources, wetlands, ecosystems species, water quality and hazardous materials as necessary. The issues to be evaluated will depend on the site or sites selected and the concerns of the community in which the maintenance base will be developed.
- D. Track Upgrades** - Complete analysis of the impacts of the proposed track upgrades on each of the railroad lines. Thus far, many of the proposed track upgrades have involved the filling of wetlands.
- E. Rail Operations** - Provide a brief analysis of the preferred alternative's impact on freight operations and, to address a scoping comment from Pierce County, on the operation of "The Train to the Mountain".
- F. Land Use and Zoning** - Continue land use and zoning analysis, update all previous analysis to reflect recent comprehensive plan and zoning changes resulting from GMA process in each affected jurisdiction.
- G. Air Quality** - Pursuant to recent discussions with PSAPCA staff, perform additional carbon monoxide hotspot analyses at four additional locations within the commuter rail study area. In addition, estimate air pollutant emissions for at-grade crossings when additional traffic information is available from the PB/KE team.
- H. Soils and Seismic** - Complete the analysis of track improvements and station development, consulting sensitive areas mapping from each of the jurisdictions involved for construction-constrained and seismically sensitive soils.
- I. Archaeologic Resources** - Perform an abbreviated archaeological field survey of the preferred alternative station locations to identify potential resources which could affect the construction and development of commuter rail stations.

J. EA/DSEIS Documents - Additional costs required to complete the EA/SEIS which will be larger than anticipated in the original scope of work. Includes graphics and printing costs.

K. Response to Comments - Additional costs required to respond to the comments. More comments are expected than originally anticipated because we are carrying forward both railroad alignments and the maintenance base has been added to the evaluation.

**EXHIBIT C
TO CONTRACT NO. CT/M 48-90 BRW, INC.**

SEATTLE-TACOMA COMMUTER RAIL EA

SCOPE OF WORK

Right-of-Way Consultants (Wilbanks Corporation or Universal Field Services)

- A. Ordering Title Reports and Reviewing Documents (approx. 40 parcels plus BN ROW).**
- B. Preparing Rights of Entry, Meeting with Property Owners, Prepare Relocation Plan.**
- C. Writing Scopes of Work for Level 1 Environmental Audits, Preparation of Audits, Review of Audits.**
- D. Writing Scopes of Work for Level 2 Environmental Audits, Preparation of Audits, Review of Audits.**

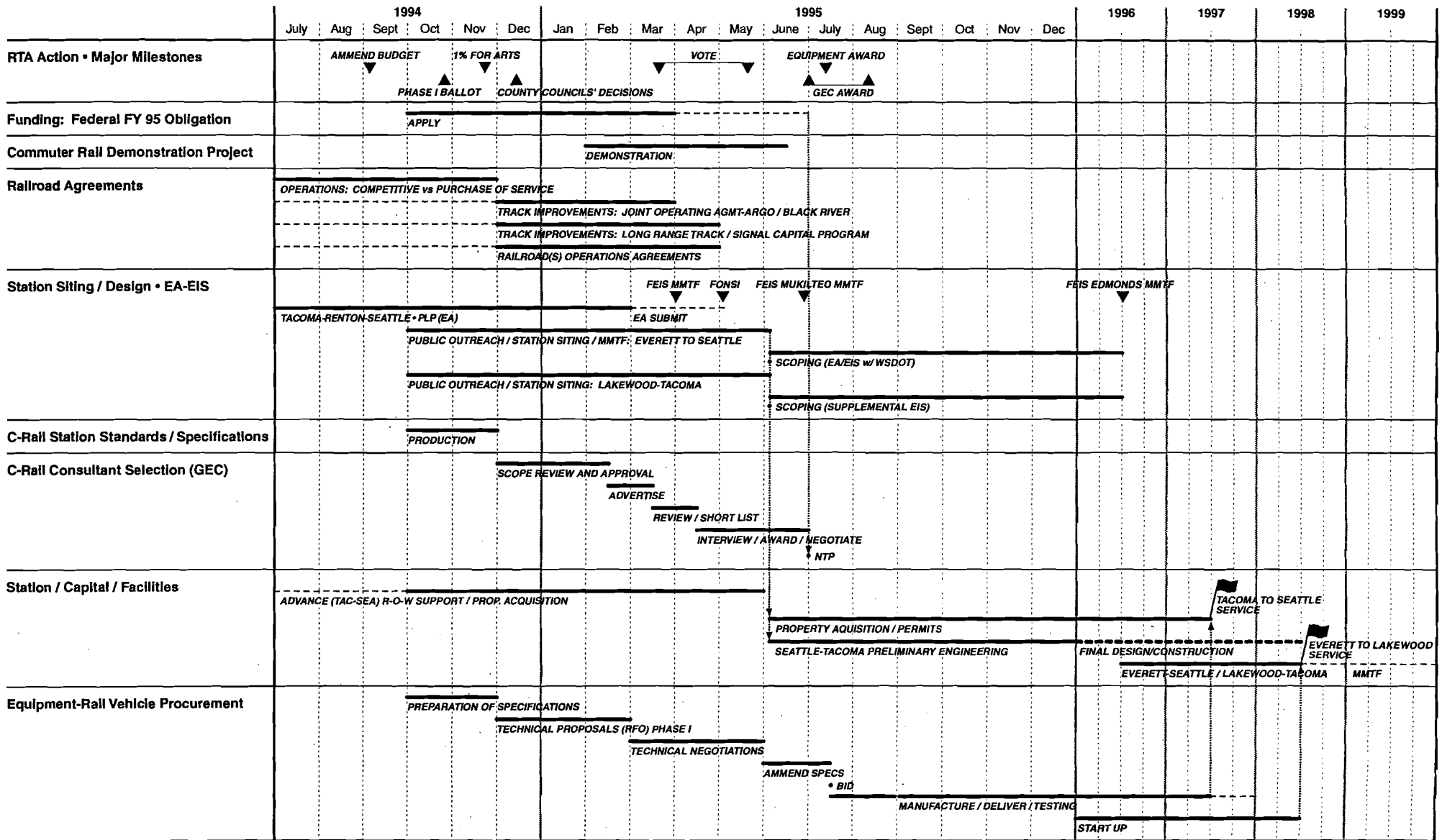


EXHIBIT D

REGIONAL TRANSIT AUTHORITY

COMMUTER RAIL PROGRAM

PB/KE TEAM CONTRACT AMENDMENT FOR ADDITIONAL TECHNICAL SERVICES From October 1994 through June 1995

Background

The initiation of limited regular commuter rail service for the Tacoma to Seattle segment, inclusive of the Renton Spur, of the program by June of 1996 requires an aggressive program that compresses the implementation schedule into a two-year time frame. The proposed budget revision provides the additional funds for the period from October 1994 through June 1995 to: complete the Project-Level Planning/Environmental Assessment (PLP/EA) pursuant to obtaining the necessary environmental clearance for the project and the initial implementation activities necessary to maintain the schedule.

Additional planning and engineering services are required from the PB/KE Team to accomplish the added scope and to complete the PLP/EA effort initiated in October 1993 and to accomplish the critical initial implementation activities necessary to maintain the implementation schedule. A summary overview of the work required follows.

Project-Level Planning / Environmental Assessment (Section B, Part 6.0)

The PB/KE Team was issued a notice-to-proceed for the PLP/EA support effort on October 21, 1993. Work with the jurisdictions, the state, the railroads, the ports and the FTA, when combined with the requirement to define a preferred alternative for implementation, has resulted in the need to develop several more alternatives at a greater level of detail than anticipated in the original scope.

This additional effort results in the need to expand on several of the existing work tasks required to: complete the detailed definitions of the alternatives; provide the planning, engineering and architectural support necessary to complete such efforts as the siting of the yards and shops, the grade crossing impact analysis, a safety evaluation and an evaluation of the potential need for grade separations; and, continue the management, administrative and coordination efforts required to accomplish the work and support issuing the environmental assessment document.

Critical Initial Implementation Activities (Section B, Part 7.0)

To maintain leverage against the implementation schedule for the Tacoma / Renton / Seattle segment and to prepare for the next phase of development for the Everett to Seattle segment of the commuter rail program, it is essential that the following efforts to be advanced:

Task 7.1 Project Management, Administration and Coordination

The purpose of this task is to provide the general management, administration and coordination support necessary to assure that the work under the following tasks are performed in accordance with the budget and schedule; that products are of high quality; that products satisfy the applicable requirements and regulations; and, that communications between the PB/KE Team and the RTA staff occurs in a timely manner.

Task 7.2 Station Design Specifications

The intent of this work is to develop the criteria, standards and other supporting documents required to establish the baseline necessary to facilitate the preliminary engineering and design of the commuter rail stations. This effort will result in a Facilities Criteria And Standards Manual, two prototypical station designs, the library unit cost sheets and cost estimates for the station design elements and the production and distribution of the manual and support materials.

Task 7.3 Support Negotiations and Development of Agreements with the Railroads

The implementation of commuter rail is dependent on the acquisition of the three primary components of trackage rights, operating and maintenance services and rolling stock and support facilities from a single party, a combination of parties, or self-provided by the RTA. Efforts to date have focused on the development of a letter of intent expressing the commitment of the UPRR, BNRR and the RTA to endeavor in good faith to accommodate the initiation of RTA commuter rail service between Tacoma and Seattle through the joint use and coordinated operation of existing and future tracks, rights-of-way, and support facilities. Agreement on and execution of a letter of intent would provide the framework for the subsequent Joint Operating Agreement (JOA) regarding trackage rights, the provision of operating and maintenance services, and the sharing of capital and operating/maintenance cost for the right-of-way and facilities of the RTA, the State's passenger rail program, the ports, the BNRR and UPRR.

The purpose of this task is to provide the technical resources to: develop and refine operating plans, capital cost estimates, and O&M cost estimates for commuter rail services to provide an independent RTA framework for evaluating the railroads' proposals; review operating plans, capital cost estimates, and O&M cost estimates proposed by the railroads for the provision of passenger and freight service in the corridor; and, using the commuter rail materials developed

for the RTA and the proposals put forth by the railroads, development of an equitable allocation of the cost between the affected parties to support the finalization of the JOA and other necessary agreements.

The support includes the iterative efforts necessary to accommodate the review process required to reach agreement. The efforts will result in a detailed definition of the operating plan, capital cost improvements and O&M cost for joint operation in the corridor and their equitable allocation between the affected parties.

Task 7.4 Support for the Procurement of Rolling Stock for the Tacoma / Renton / Seattle (and Other Segments) Project(s)

Rolling stock consists of two classes of equipment, locomotives and passenger cars. In general, the concept for locomotives and passenger cars to date have assumed diesel-electric locomotives powering bi-level push-pull passenger cars. Performance specifications can be flexible enough to accommodate other equipment concepts that meet the functional and performance requirements established in the specifications. The procurement or lease of equipment for the initial service may be separated from the full service requirements or the rolling stock procurement in total could be combined with the trackage and/or service procurements.

Either new, re-manufactured or used rolling stock may be acceptable. Financial provisions should permit the proposal of leased, purchased or lease/purchased equipment. The primary effort of this task is the production of the performance specifications for the rolling stock and support for the first phase of a two-step procurement process. In total, this task includes: the development of procurement materials and specifications; the advertisement and the request for proposal process; the receipt and evaluation of the first phase proposals, the negotiation process, the request for best and final offers, preparation of an engineers estimate, and, the pre-award activities associated with the preparation for award of a contract(s) soon after a successful ballot on May 16, 1995 constitute the second phase of the procurement process and are excluded from this task.

The type of equipment specified for the Seattle/Renton/Tacoma service will probably also be used on the remaining segments of commuter rail. While the effort of this task is specifically focused on the Seattle/Renton/Tacoma segment, it should have a high level of utility for the balance of the program. It may be beneficial to include options for additional equipment for subsequent segments in the initial equipment specifications.

The Consultant will support the procurement process for the acquisition of equipment as requested by the RTA. The Consultant's efforts will generally include: development of the performance specifications for the equipment required; the production of the procurement evaluation measures, specification and input to the general and special terms and conditions; support for the

advertisement, proposal conference and receipt and classification of proposals; support for the proposal evaluation to establish proposers in the competitive range.

Task 7.5 Transitional Analysis Support

The purpose of this work is to support the RTA Board, State of Washington and local jurisdiction decision-making regarding the scope and potential impacts of the proposed Seattle to Everett and Tacoma to Lakewood Commuter Rail services. The previous feasibility study for the Everett to Seattle segment was based on a minimum investment approach which included only stations at King Street in Seattle and interim station facilities in Edmonds, Mukilteo and the new East Everett Multi-Modal Terminal site. All four station sites are presently under study by the respective jurisdictions as possible sites for multi-modal terminals. In all cases, these studies have progressed significantly since the Seattle to Everett feasibility study was completed in march of 1994. In addition, the local jurisdictions and the RTA staff have identified the possibility of additional stations near the Pike Market/North Portal (Lenora Street), Galer Street (Immunex site) and Ballard in the City of Seattle; Richmond Beach in North King County; and possible alternative locations for the Everett Multi-Modal facility.

Both the Seattle to Everett and the Tacoma to Lakewood feasibility studies also addressed only a minimal level of track improvements, designed to support a limited peak-period-only commuter rail service. With the higher levels of commuter rail service ultimately contemplated, and WSDOT's plans for expanded intercity passenger rail service, the assumed improvements need to be reviewed and updated to reflect current thinking regarding levels of total train activity in the corridor. Finally, both feasibility studies identified a number of potential railroad grade crossings, traffic, and other environmental issues that were raised by the local jurisdictions during the review of the initial study that need further attention.

Further work, coordinated with the other on-going studies for both segments, will be required to determine the specifics of these potential impacts along with possible mitigation measures. As a result the transitional effort required to advance the feasibility study efforts and prepare for the next phase of project development in June 1995, includes:

- **Track and Right-of-Way Assessment:** Providing a more detailed assessment of the track and right-of-way improvements needed in light of WSDOT's plans for expanded intercity passenger rail service in the corridor and the Burlington Northern Railroad's (BNRR's) plans and/or forecasts for increased freight activity.
- **Interim Station Siting and Development:** Analyzing the potential for station development and identifying required passenger station and supporting facilities required at the following sites that were not assessed during the earlier feasibility study:

- Existing Edmonds Amtrak Station;
 - Temporary facility in Mukilteo; and
 - Existing Amtrak Station in Everett (Bond Street).
- **Multi-Modal Terminal Facility (MMTF) Coordination:** Work with the local jurisdictions and their consultants to further define the commuter rail components of the following MMTFs (Note: the Seattle MMTF is being coordinated through the Seattle to Tacoma Commuter Rail PLP/EA work:
 - Edmonds;
 - Mukilteo; and
 - Everett.
- **Additional Intermediate Station Development:** Analyze the potential for station development and identify required passenger station and supporting facilities required at the following sites that were not assessed during the earlier feasibility studies:
 - Pike Market/North Portal (Lenora Street);
 - Galer Street (Immunex Site);
 - Ballard; and
 - Richmond Beach.
- **Potential Mitigation:** Based on an assessment of the likely line and station improvements, as well as increases in passenger train activity (RTA Commuter Rail and WSDOT Intercity Rail, combined with increased freight movements), identifying possible mitigation strategies for potential transportation and environmental impacts.

The transitional efforts will provide a clearer and better coordinated basis for the next phase of project development.