

REGIONAL TRANSIT AUTHORITY

RESOLUTION NO. 98-29

**Preliminary Engineering of Seattle-to-Tacoma
Civil, Track, Signal and Structural Design
BACKGROUND AND COMMENTS**

Meeting:	Date:	Agenda Item:	Staff Contact:	Phone:
Finance Committee	4/16/98		Paul W. Price,	(206) 689-4760
Board of Directors	4/23/98		Commuter Rail Director	

ACTION:

Approval of Resolution 98-29 authorizing the execution of contract with the Burlington Northern Santa Fe Railway (BNSF), for the Preliminary Engineering of the Seattle-to-Tacoma, *Sounder* (commuter rail) civil, track, signal and structural design. The contract would be in an amount not to exceed \$3,391,910, and there would also be a contingency account of 20% (\$678,000) to be available for the preliminary engineering on this project, subject to approval of the Executive Director.

Work is currently underway to finalize the contract with BNSF. More complete information will be available at the Finance Committee meeting. Board authorization by April 23 is required to ensure that ongoing design work may continue uninterrupted.

BACKGROUND:

As described in *Sound Move*, the RTA expects to operate the Seattle-to-Tacoma commuter rail segment on the BNSF railroad right-of-way. To accommodate the planned *Sounder* operations, certain civil, track, signal and structure additions and modifications need to be accomplished in order to provide for freight and passenger mobility within the same corridor. The Executive Committee of the Board approved a contract with BNSF for advanced planning on November 7, 1997 (Motion No. 49). The conceptual design work contemplated under that contract is expected to be completed on April 15, 1998. The proposed contract for preliminary engineering will provide design and cost estimates for the improvements that may be necessary for *Sounder* operations between Seattle-and-Tacoma.

The BNSF is expected to continue to own the right-of-way between Seattle and Tacoma upon which *Sounder* operations will be conducted, and BNSF is expected to continue to conduct or license the majority of traffic on the right-of-way. As a result, BNSF has a vital interest in the planning and engineering work being undertaken to determine needed capital improvements and engineering modifications and their costs. If the work conducted independently of BNSF and

BNSF were not confident in the scope or quality of such work, significant project delays could result as BNSF would undertake to supplement or even duplicate the planning and engineering work being conducted. As a result, an RTA contract directly with BNSF to perform the work is the only practicable way to complete the work done under the Advanced Planning agreement and proposed to be done under the Preliminary Engineering contract.

The BNSF has contracted with the HNTB, Inc. engineering consulting firm to perform the work required under both the Advanced Planning and proposed Preliminary Engineering contract. The BNSF conducted a competitive procurement process to obtain its contract with HNTB, and the firm meets the RTA's federal M/W/DBE goal (18%).

The RTA has ensured adequate project oversight by requiring that BNSF staff and certain of the HNTB consultants performing planning and engineering work be co-located at RTA headquarters. This co-location, together with regular meetings between RTA, BNSF and HNTB consultant staff, ensure that the RTA has full access to information as it is developed, and can regularly comment on work being produced. In addition, the RTA has contracted with an outside engineering firm (TRS Consultants) to provide on-call negotiation support, including a regular review of BNSF work product.

The RTA was notified by the Federal Transit Administration in a letter dated March 31, 1998 that it would authorize the RTA to enter into a preliminary engineering contract for work on the BNSF track improvements. This authorization is required to preserve *Sounder* eligibility for federal funding.

The proposed preliminary engineering contract will require that the preliminary engineering work be performed in conformance with the environmental assessment or other environmental considerations required by the Federal Transit Administration.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- ◆ Adoption of *Sound Move*, The Ten-Year Regional Transit System Plan (*Sound Move* calls for commuter rail service to be implemented within two to four years of voter approval)
- ◆ Resolution No. 78-1 (which grants the Finance Committee authority to execute contracts up to \$5,000,000 value, and allows the Board to authorize non-standard procurements, such as sole source and special circumstances procurements)
- ◆ 1998 Adopted Budget
- ◆ Motion No. 49 (authorizing a contract with BNSF for Advanced Planning, in an amount not to exceed \$3,711,000). This work is expected to be completed by April 15, and a copy of the Advanced Planning Report will be available for review.

KEY FEATURES:

- ◆ The work funded through this contract will constitute a 3½-month engineering process.
- ◆ This contract provides for BNSF engineers to be housed in the RTA offices while this Preliminary Engineering effort is conducted, allowing a high degree of coordination, oversight and, ultimately, agency buy-in.

- ◆ BNSF has conducted a competitive procurement process for supporting design/engineering services that meets RTA's federal M/W/DBE goal (18%).
- ◆ A cost price analysis will be performed to ensure that the contract price and all fees and expenses charged by BNSF are fair and reasonable.

FUNDING:

- ◆ Total design budget for Seattle-Tacoma Track and Signal Design is \$20,029,000; Advanced Planning contract was \$3,711,000; Funding available for Final Engineering - \$12,509,090; Expected Final Engineering cost - \$5 million.
- ◆ The total cost of this proposed preliminary engineering contract is \$3,391,910, and there would be a contingency account of \$678,000, subject to approval by the Executive Director.
- ◆ Funding for this contract is allocated in the adopted 1998 Budget.

ALTERNATIVES:

Since the RTA acknowledges that some track and capacity improvements will be necessary along the BNSF right-of-way in order to accommodate commuter rail service while ensuring ongoing freight mobility, there are no viable alternatives to proceeding with the planning and engineering of such improvements. Given the BNSF's anticipated continued ownership and operation on the right-of-way, BNSF is the only practicable party for the RTA to contract with for the performance of this work.

CONSEQUENCES OF DELAY:

- ◆ Failure to proceed with the preliminary engineering funded through the proposed contract would delay completion of negotiations with the BNSF for RTA track usage. This would place at risk the Board's *Implementation Guide* schedule calling for the start-up of *Sounder* service by year-end 1999.
- ◆ Because of the BNSF's own stake in accomplishing this work in concert with ongoing negotiations, and their invested effort in the contracting process to date, failure to proceed creates a potential conflict with BNSF.

REGIONAL TRANSIT AUTHORITY

RESOLUTION NO. 98-29

A RESOLUTION of the Board of the Regional Transit Authority for the Pierce, King, and Snohomish Counties region authorizing the execution of a contract with the Burlington Northern Santa Fe Railway (BNSF), for the Preliminary Engineering of the Seattle-to-Tacoma, *Sounder* (commuter rail) civil, track, signal and structural design, and authorizing the Executive Director to create a contingency for unexpected expenses for the completion of preliminary engineering of this project.

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

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for *Sound Move*, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, *Sound Move* included funding for the implementation of the Seattle-Tacoma commuter rail line; and

WHEREAS, the commuter rail service is expected to be implemented along existing BNSF freight lines; and

WHEREAS, certain civil, track, signal, and structural design work is required to be completed in order for the RTA to run commuter rail trains on the BNSF freight lines; and

WHEREAS, pursuant to an Advanced Planning agreement between the BNSF and the RTA, certain conceptual design work has been performed and the next step in completing the design work is preliminary engineering work; and

WHEREAS, the BNSF conducted a competitive procurement process to obtain consultants to perform the advanced planning and preliminary engineering work; and

WHEREAS, the RTA has ensured adequate project oversight by requiring co-location of BNSF and consultant staff at RTA headquarters, and by contracting with an independent engineering firm for regular oversight of contract work products; and

WHEREAS, the RTA has conducted a cost and price analysis of the contract price and determined that the fees and costs proposed to be charged by BNSF are fair and reasonable; and

WHEREAS, the Federal Transit Administration has approved the RTA's request for permission to enter the preliminary engineering phase on the Seattle-Tacoma commuter rail line; and

WHEREAS, the RTA has determined that the BNSF is the only practically available source to perform the advanced planning work and the preliminary engineering work because the majority of the preliminary engineering work required for commuter rail operations will be performed within right-of-way on which BNSF is expected to continue to own and conduct freight operations, and because BNSF will perform its own detailed review and analysis of the preliminary engineering work to ensure that the quality of the design and engineering work is adequate to support BNSF freight operations;

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

The Executive Director of the RTA is hereby authorized to execute a contract with BNSF for preliminary engineering services on the Seattle-Tacoma line, with a total contract cost of \$3,391,910 and is further authorized to create a contingency account in the amount of \$678,000 to cover unexpected costs in connection with the preliminary engineering work. Changes to the scope of work that result in a total cost of more than \$5,000,000 (including contingency expenditures) will require advance Board approval.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 23 day of April, 1998.



Bob Drewel
Board Chair

ATTEST:



Marcia Walker
Board Administrator