

SOUND TRANSIT

RESOLUTION NO. R98-40

Memorandum of Agreement with the City of Everett for development of Pacific Avenue Overpass

BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	7/17/98	Recommend	Agnes Govern, Director, Regional Express	684-1673
Board Meeting	7/23/98	Board Approval Approval	Mike Normand, Program Manager, Community Connections	689-3528

ACTION:

Approve Resolution No. R98-40 authorizing a Memorandum of Agreement with the City of Everett for development of the Pacific Avenue Overpass.

BACKGROUND:

Sound Transit has been working with the City of Everett to design and construct a grade-separated crossing on Pacific Avenue over the Burlington Northern Santa Fe Railroad (BNSF) mainline tracks. Sound Transit's Commuter Rail Station (Everett Station) will be located immediately south of the Overpass. The Overpass will improve traffic and rail operations and facilitate connections between local and regional transportation services.

In November 1997, the City of Everett retained a consultant (INCA Engineering) to evaluate alternative alignments for the grade-separated crossing on Pacific Avenue with respect to development of Everett Station. A preliminary cost estimate for the Overpass was prepared as part of this analysis. INCA's estimate for development of the overpass was \$13 million (in 1997 dollars), roughly \$2.4 million over the \$10.6 million (1997 dollars) programmed by Sound Transit for the project. INCA's estimate included land acquisition, engineering, construction, construction management, and a 10% construction contingency. This cost estimate would be further refined during the preliminary engineering and environmental review phase. The MOA stipulates that any budget shortfalls determined through the preliminary engineering phase must be resolved by Sound Transit and the City of Everett prior to initiating final design.

The parties to this agreement will work collaboratively to complete public involvement, environmental review, design, right-of-way acquisition, and construction. A consultant has been selected and approval of that contract is before the Finance Committee July 16, 1998. The project schedule may be accelerated to coordinate construction schedules with Everett Station. Upon completion of the structure, the City will assume ownership, maintenance, and operations responsibility of the Overpass.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- Adoption of *Sound Move* (May 31, 1996).
- Adoption of Resolution 78 (December 13, 1996).
- Adoption of the Implementation Guide (May 22, 1997).
- Adoption of Fiscal Year 1998 Budget (December 11, 1997).
- Review of Strategy for Community Connections and HOV Access by Executive Committee (February 6, 1998).
- Regional Express Capital Projects Risk Analysis (Finance Committee agenda item for July 16, 1998)

KEY FEATURES:

- This project may be accelerated to coordinate construction schedules with Everett Station.
- The City of Everett is in the process of obtaining appropriate approvals of the Agreement.
- Enables the parties to collaboratively design the Overpass and complete environmental and community involvement processes thus resolving scope, schedule, and budget issues. Sound Transit will be responsible for constructing the Overpass.
- Supports important goal of providing efficient, attractive, and a maintainable structure to benefit the community and users while enhancing rail and traffic operations in the vicinity of Everett Station.
- The Project will be co-managed by the City of Everett and Sound Transit.
- Integrates the design, development, and operation of this project with Everett Station being developed by Sound Transit and the City of Everett.
- Commits parties to expedite design and development work so the project will support the initiation of Regional Express services from Everett Station.

FUNDING:

The Sound Transit budget includes \$10.6 million (in 1997 dollars) for the development of the Pacific Avenue Overpass, environmental review, community involvement, right-of-way acquisition, design, and construction of the Overpass. The parties to the agreement will fund their respective staff coordination time.

ALTERNATIVES:

1. Approve the Memorandum of Agreement by Motion.
2. Approve the Memorandum of Agreement providing direction on changes to the Agreement.
3. Do not approve the Memorandum of Agreement, give direction to negotiate changes.

CONSEQUENCES OF DELAY:

Should staff be directed to renegotiate or revise provisions of the Agreement, work on the project would be delayed until revisions could be made and discussed with the parties to the Agreement. The parties to this Agreement have been instrumental in the development of it and are also obtaining their legal/administrative and/or governing officials' approval of the Agreement. Revision of the Agreement will result in a delay of the project until it can be rescheduled for Board action after the Parties have reviewed proposed modifications.

RECOMMENDATION:

Sound Transit staff respectfully recommend approval of this Agreement.

SOUND TRANSIT

RESOLUTION NO. R98-40

A RESOLUTION of the Board of the Regional Transit Authority authorizing a Memorandum of Agreement with the City of Everett for intergovernmental cooperation regarding the funding, design, and construction of the Pacific Avenue Overpass.

WHEREAS, the Central Puget Sound Regional Transit Authority is a duly organized regional transit authority existing under RCW Chapters 81.104 and 81.112 and has powers necessary to implement a high capacity transportation system, and

WHEREAS, the City is a municipal corporation organized under RCW Chapter 35A and has all powers necessary to supply municipal services commonly or conveniently rendered by cities and towns; and

WHEREAS, on November 5, 1996, central Puget Sound area voters approved local funding for *Sound Move*, Sound Transit's ten-year plan for regional high-capacity transit; and

WHEREAS, *Sound Move* calls for the development of the Pacific Avenue Overpass in the City of Everett ("Project") and provides \$10.6 million (in 1997 dollars) for the development of the Project; and

WHEREAS, the Project will minimize Commuter Rail/vehicular traffic conflicts and will minimize resulting delays to Sound Transit, Everett Transit, and Community Transit buses; and

WHEREAS, the Project will support the initiation of Regional Express bus and Commuter Rail services in the Everett area; and

WHEREAS, the City of Everett's Comprehensive Plan places a high priority on alternative travel options, including improvements to transit services and facilities and the coordination of

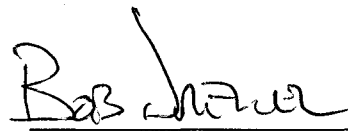
operations among travel modes, calls for the City's active participation in the development of regional transit facilities; and

WHEREAS, Sound Transit and the City of Everett have negotiated a Memorandum of Agreement setting forth their respective roles and obligations in environmental review, public involvement, design, funding, real property acquisition, and construction of the Project; and

WHEREAS, it is in the best interest of Sound Transit to work with the City of Everett in developing the Project for the most efficient use of design and construction resources.

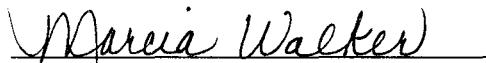
NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that the Executive Director of Sound Transit is hereby authorized to execute an agreement with the City of Everett for the design, construction, and funding the Pacific Avenue Overpass substantially in the form of Exhibit A attached hereto.

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



Bob Drewel
Board Chair

ATTEST:



Marcia Walker
Board Administrator