

## SOUND TRANSIT

### RESOLUTION NO. R98-45

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

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	11/5/98	Discussion/Possible Action to Recommend Board Approval	Paul W. Price, Commuter Rail Director	(206) 689-4760
Board of Directors	11/12/98	Approval		

#### **ACTION:**

Approval of Resolution R98-45 authorizing the execution of contract with the Burlington Northern Santa Fe Railway (BNSF), for the final engineering of the Seattle-to-Tacoma, *Sounder* (commuter rail) civil, track, signal and structural design hereinafter referred to as the Final Engineering Agreement. The contract would be in an amount not to exceed \$5,746,000, and there would also be a contingency account of 20% (\$1,149,200) to be available for the final engineering on this project, subject to approval of the Executive Director.

Work is currently underway to finalize the contract with BNSF. All major contract issues have been resolved. Committee and Board approval in November 1998 will ensure that ongoing design work may continue uninterrupted.

#### **BACKGROUND:**

As described in *Sound Move*, Sound Transit 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 was completed in April 1998. The Preliminary Engineering Agreement with BNSF was passed by the Finance Committee on April 16, 1998 and by the Board on April 23, 1998. This work is expected to be completed by November 5, 1998. The proposed agreement for final engineering with BNSF will provide final design and cost estimates for the improvements that may be necessary for *Sounder* operations between Seattle and Tacoma.

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 final engineering work being undertaken to design the needed capital improvements and engineering modifications and the related costs. If the work is conducted independently of BNSF, and BNSF is not confident in the scope or quality of such work, significant project delays could result because BNSF would undertake to supplement or even duplicate the planning and engineering work being conducted by others. As a result, a Sound Transit contract directly with BNSF to perform the work is the only practicable way to complete the work proposed to be done under the Final Engineering Agreement. BNSF has contracted with HNTB, Inc., an engineering consulting firm, to perform the work required under the Final Engineering Agreement. BNSF conducted a competitive procurement process to obtain its contract with HNTB, and the firm meets Sound Transit's federal M/W/DBE goal (18%).

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

The Federal Transit Administration has completed its environmental analysis of the project and issued a Finding of No Significant Impact in May 1998 which was adopted by Sound Transit in compliance with the State Environmental Policy Act, thereby permitting Sound Transit to commence final engineering work on the BNSF track improvements. The completing of this environmental process was required to preserve *Sounder* eligibility for federal funding and to comply with state law.

Staff is requesting the approval of the contract with BNSF with the knowledge that Staff will meet with Executive Committee on December 4, 1998 in Executive Session. This meeting will be to discuss the negotiations with BNSF for access to the right-of-way, operating agreements, and capital agreements.

The final design agreement is for a number of projects along the right-of-way that may be built, depending on the level of partnering from Washington State Department of Transportation (WSDOT), Amtrak, BNSF, the Port of Seattle, the Port of Tacoma, and other potential partners.

The corridor design was based on full development of the WSDOT Intercity Plan, freight traffic growth, and expanded *Sounder* train schedules (mid-day and evening trains). The final construction agreement will be based on the degree to which each of the funding partners can contribute to the corridor plan. This plan would be scaled back if key funding partnering were unable to participate.

#### **RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:**

- ◆ Adoption of *Sound Move*, The Ten-Year Regional Transit System Plan: *Sound Move* states that commuter rail service is to be implemented within two to four years of voter approval.

- ◆ Resolution No. 78-1, authorizing 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 has been completed.
- ◆ Resolution 98-29, authorizing a contract in the amount of \$3,391,910 for preliminary engineering. This work is expected to be completed by November 5, 1998.

#### **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 Sound Transit offices while this final 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 Sound Transit's federal M/W/DBE goal (18%).

#### **FUNDING:**

- ◆ Total Sound Move budget for Seattle-Tacoma Track and Signal Design, Environmental and Permits, Advanced Planning and Preliminary Engineering and final engineering is \$22,905,913, and the Sound Move budget available for Final Engineering totals \$16,626,857.
- ◆ Advanced Planning Agreement costs were \$3,711,000; Preliminary Engineering Agreement costs were \$3,391,910.
- ◆ The total cost of this proposed Final Engineering Agreement is \$5,746,000, with an additional \$1,149,200 budgeted for unforeseen contingencies, subject to approval by the Executive Director.
- ◆ Funding for this contract is allocated in the adopted 1998 Budget.
- ◆ See the attached Cost Matrix.

#### **ALTERNATIVES:**

Since Sound Transit 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 Sound Transit to contract with for the performance of this work.

#### **CONSEQUENCES OF DELAY:**

- ◆ Failure to proceed with the final engineering funded through the proposed contract would delay completion of negotiations with the BNSF for Sound Transit track usage. This would place at risk the Board's *Implementation Guide* schedule calling for the start-up of *Souder* service by year-end 1999.

- ◆ In light of 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.

**LEGAL REVIEW:**

The Background and Comments and the Resolution have been reviewed and approved by the Legal Department.

## SOUND TRANSIT

### RESOLUTION NO. R98-45

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a contract with the Burlington Northern Santa Fe Railway (BNSF), for the Final Engineering of the Seattle-to-Tacoma, *Sounder* (commuter rail) civil, track, signal and structural design, with a total contract cost not to exceed \$5,746,000, and authorizing the Executive Director to establish a contingency fund for unforeseen expenses in the amount of \$1,149,200.

WHEREAS, a Regional Transit Authority (Sound Transit) 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 Sound Transit to run commuter rail trains on the BNSF freight lines; and

WHEREAS, pursuant to the Advanced Planning and the Preliminary Engineering Agreements between the BNSF and Sound Transit certain conceptual design work has been performed; and

WHEREAS, final engineering work is now required to complete the civil, track, signal and structural design work required to implement the Seattle-Tacoma commuter rail line; and

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

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

WHEREAS, Sound Transit has determined that the BNSF is the only practically available source to perform the final engineering work because the majority of the final engineering work required for commuter rail operations will be performed within right-of-way on which BNSF is expected to continue to own and to 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; and

WHEREAS, the Federal Transit Administration (FTA) has issued a Finding of No Significant Impact (FONSI) under the National Environmental Policy Act on the Tacoma to Seattle commuter rail line based on the Environmental Assessment prepared by Sound Transit; and

WHEREAS, Sound Transit has adopted the Environmental Assessment in compliance with the State Environmental Policy Act.

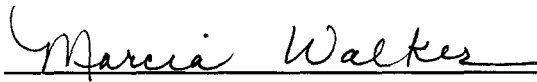
NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

The Executive Director of Sound Transit is hereby authorized to execute a Final Engineering Agreement with BNSF for final engineering services on the Seattle-Tacoma line, with a total contract cost not to exceed \$5,746,000. The Executive Director is further authorized to create a contingency account in the amount of \$1,149,200 to cover unexpected costs in connection with the final engineering work.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 12<sup>th</sup> day of Nov., 1998.

  
\_\_\_\_\_  
Paul Miller  
Board Chair

ATTEST:

  
\_\_\_\_\_  
Marcia Walker  
Board Administrator