

## SOUND TRANSIT

### MOTION NO. M99-88

#### First Supplemental Agreement to Memorandum of Agreement with the City of Everett Related to Roles and Responsibilities for Construction of the Pacific Avenue Overpass Project BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	12/2/99	Recommend Board Approval	Agnes Govern, Director, Regional Express	(206) 398-5037
Executive Committee Board of Directors	12/3/99	Recommend Board Approval	Bill Guenzler, Program Manager, Capital Projects	(206) 398-5041
	12/9/99	Approval	Vicki Cannard, Project Manager, Capital Projects	(206) 398-5024

#### ACTION:

Approval of Motion No. M99-88 authorizes the First Supplemental Agreement to the Memorandum of Agreement with the City of Everett dated August 27, 1998, for the Pacific Avenue Overpass Project. This Supplemental Agreement reallocates to the City the lead responsibility for permitting, bid advertisement, contract award, construction, construction administration, and other construction-related activities. Sound Transit will reimburse the City for costs incurred at an amount not to exceed \$17,118,313 (YOE dollars).

#### BACKGROUND:

The Pacific Avenue Overpass will be a five-lane, grade-separated crossing of the Burlington Northern-Santa Fe (BNSF) mainline tracks along Pacific Avenue in Everett, with touchdown points at McDougall Avenue on the west and Fulton Street on the east. Pacific Avenue is a major east-west gateway corridor between I-5 and downtown Everett, providing access to the Port of Everett and the United States Naval Station. Construction of the proposed grade-separated crossing will improve pedestrian and vehicular movement along Pacific Avenue; transit, automobile, and pedestrian access to the proposed Everett Multimodal Station (Everett Station); and passenger and freight rail operations in the vicinity of the Station.

A Memorandum of Agreement (MOA) was entered into by Sound Transit and the City of Everett when the project was initiated. The MOA outlines responsibilities for completing the design and construction phases of the Pacific Avenue Overpass project. Sound Transit has provided project management for the Preliminary Engineering and Environmental Design (PE/ED) and Final Design work, under contract with Harding Lawson Associates.

The project is currently at 60% design. Environmental documentation work has recently been completed. Work on the project has progressed in close coordination with the City of Everett staff and with the plans for the development of the adjacent Everett Station. Coordination with city staff and the Everett Station project will continue through completion of the 100% design and development of the bid documents. Construction will be done in two phases. The first phase, modifications to Smith and Hill Avenues to aid in rerouting traffic for the project construction, is scheduled to be advertised for bids in January 2000. The second phase, construction of the overpass itself, is scheduled to be advertised in May 2000.

Construction of Pacific Avenue Overpass will occur in the same timeframe and immediately adjacent to the Everett Station. Coordination between the two project contractors and schedules is critical in order to ensure a timely and efficient construction of both projects. Sound Transit and the City of Everett have determined that close coordination between the two projects can best be accomplished by the City of Everett assuming the lead for construction of the Overpass project.

The original MOA provided for future Supplemental Agreements. This proposed Supplemental Agreement addresses the next phases of the overpass project and refines responsibilities of both parties in completing the project, including allocating to the City of Everett lead responsibility for all construction related activities. As mentioned above, the Supplemental Agreement lays out roles and responsibilities of both Sound Transit and the City of Everett, as well as budget and payment, schedule, and ownership and maintenance responsibilities.

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

- Adoption of Sound Move, the Ten-Year Regional Transit System Plan (May 31, 1996).
- Adoption of the Implementation Guide (May 22, 1997).
- Adoption of Motion No. M98-53, Contract to Harding Lawson Associates to conduct Preliminary Engineering/Environmental Design work for the Pacific Avenue Overpass project (July 16, 1998).
- Adoption of Resolution No. R98-40 Memorandum of Agreement with the City of Everett for Cooperation Regarding the Funding, Design, and Construction of the Pacific Avenue Overpass (July 23, 1998).
- Adoption of 1999 Budget (November 12, 1998).
- Adoption of Resolution No. R99-14, Reallocation of \$10M (1995 dollars) from East Everett Park-and-Ride project to Pacific Avenue Overpass (July 8, 1999).
- Adoption of Motion No. M99-49, Contract to Harding Lawson Associates for Final Design Work for the Pacific Avenue Overpass Project (August 5, 1999).

#### **KEY FEATURES:**

- **City of Everett Responsibilities:** The City will be responsible for permitting, bid advertisement, contract award, construction administration, and other construction-related activities. They will assist Sound Transit in completing right-of-way related actions and will be responsible for ensuring the relocation of non-City utilities pursuant to existing City policy. The City will be responsible for maintaining agreements negotiated for this project and developing an agreement with the BNSF railroad.
- **Sound Transit Responsibilities:** Sound Transit will be responsible for completing the bid documents and reviews for the City to advertise and award.
- **Budget:** Sound Transit will provide funding for all construction-related project costs up to and not to exceed \$17,118,313 (YOE dollars). Any costs incurred by the City beyond this amount will be the sole responsibility of the City. The budget above is based on a 60% level design cost estimate prepared by Harding Lawson Associates.
- **Payment:** Sound Transit will reimburse the City of Everett for project-related costs. Sound Transit and the City will establish a payment schedule at the conclusion of the 100% design level. Sound Transit will reimburse the City of Everett for an amount not to exceed \$17,118,313 (YOE dollars).
- **Scope and Schedule:** Construction will be done in two phases. The current schedule calls for Phase 1 100% design to be completed in late December 1999, and Phase 2 in May 2000. The construction first phase is modifications to Smith and Hill Avenues to aid in rerouting traffic for the project

overpass construction and will be sent out to bid in January. The second phase, construction of the overpass itself, will be sent out to bid in May 2000. The projected completion date for the project is September 30, 2001.

- **Ownership and Maintenance:** The City of Everett will be the owner of the Pacific Avenue Overpass. Sound Transit will have no liability or obligations with respect to the construction, operation, maintenance, repair, or replacement of the project.

**FUNDING:**

Sound Transit shall provide funding for all project costs up to and not to exceed \$17,118,313 (YOE dollars). This figure includes \$16,987,054 in construction costs for the Pacific Avenue Overpass project and \$131,259 in art program costs benefiting the project. Any costs incurred by the City beyond this amount will be the sole responsibility of the City. The budget above is based on a 60% level design cost estimate prepared by Harding Lawson Associates and agreed to by the City of Everett.

The Adopted 2000 Budget and Capital Plan includes \$23.6 million for Sound Transit’s Pacific Avenue Overpass project. According to the latest available cost information, the project can be completed within current budget authority. The following table summarizes current Pacific Avenue Overpass project costs and outstanding commitments, as well as project budget information from the Adopted 2000 Budget and Capital Plan.

Phase	FY2000 Budget (in YOES\$)	Lifetime Budget (in YOES\$)	LTD Expenditures and Outstanding Commitments	This Action (in YOES\$)
Admin	\$ 389	\$ 1,164	\$ 192,546	\$ -
PE/ER	\$ -	\$ 1,078	\$ 867,034	\$ -
Final Design	\$ 100	\$ 1,026	\$ 1,154,850	\$ -
ROW	\$ 923	\$ 923	\$ -	\$ -
Construction	\$ 11,708	\$ 17,827	\$ -	\$ 16,987,054
Contingency	\$ 534	\$ 1,592	\$ -	\$ -
<b>Total</b>	<b>\$ 13,652</b>	<b>\$ 23,610</b>	<b>\$ 2,214,430</b>	<b>\$ 16,987,054</b>

In addition to construction funding of \$16,987 million budgeted in Regional Express for this project, an additional amount of \$131,259 is budgeted in the agency's art program (STart). Funding for construction project artworks was adopted in Sound Move and subsequent Board actions at a level of 1% of project costs. In order for art projects to be optimally managed among lines of businesses (LOBs), art program costs have been subtracted from individual capital projects and pooled at the subarea, jurisdiction, and LOB level.

Of the total art budget for the Pacific Avenue Overpass project, \$120,500 has been earmarked for artwork fabrication.

**ALTERNATIVES:**

1. **No Supplemental Agreement:** Sound Transit could decide not to pursue a Supplemental Agreement with the City of Everett and let the current MOA stand for the rest of the project. Sound Transit would continue its role as lead agency for permitting, bid advertisement, contract

- award, and construction. Sound Transit would not benefit from a tighter schedule coordination with the Everett Station project.
2. **Modify Supplemental Agreement, Keep Sound Transit in More Active Construction Management Role:** Sound Transit could modify the Supplemental Agreement with the City of Everett to retain a more active role in the construction process. Sound Transit would then actively participate in daily construction management duties. This would require more Sound Transit staff time to monitor the project and would not result in any greater efficiency.

**CONSEQUENCES OF DELAY:**

Everett Station and Pacific Avenue Overpass are scheduled for construction in 2000 and 2001, with completion of both anticipated by September 2001. In order to maintain the construction schedule for both projects, the City has initiated the process for hiring construction administration staff for this project and the Everett Station project. It is imperative that Sound Transit and the City of Everett have a definitive agreement provided by this Supplemental Agreement established prior to January so that their construction administration process can proceed as planned and as required.

**LEGAL REVIEW:**

The Background and Comments and Motion are approved as to form.

**SOUND TRANSIT**

**MOTION NO. M99-88**

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute the First Supplemental Agreement to the Memorandum of Agreement with the City of Everett for the Pacific Avenue Overpass Project reallocating to the City certain project lead responsibilities and providing funding not to exceed \$17,118,313 (YOE dollars).

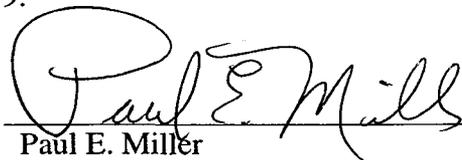
**Background:**

The Pacific Avenue Overpass is a five-lane, grade-separated crossing of the Burlington Northern-Santa Fe (BNSF) railroad tracks along Pacific Avenue in Everett, with touchdown points at McDougall Avenue and Fulton Street. A Memorandum of Agreement (MOA) was established between Sound Transit and the City of Everett when the project was initiated, outlining responsibilities for completing the design and construction phases of the project. This proposed Supplemental Agreement discusses the permitting and construction phases of the overpass project and refines responsibilities of both parties for the continuing duration, including allocating to the City of Everett lead responsibility for constructing the project.

**Motion:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that authority be given to the Executive Director to execute a Supplemental Agreement to the Memorandum of Agreement with the City of Everett dated August 27, 1998, for the Pacific Avenue Overpass Project, reallocating the lead responsibility for permitting, bid advertisement, contract award, construction, construction administration, and other construction-related activities to the City. Sound Transit shall provide funding to the City of Everett for all project costs up to and not to exceed \$17,118,313 (YOE dollars).

Approved by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof on the 9th day of December 1999.

  
\_\_\_\_\_  
Paul E. Miller  
Board Chair

ATTEST:

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