

**STAFF REPORT**

**SOUND TRANSIT  
MOTION NO. M2000-36**

**Agreements with BNSF for Engineering  
of Lakewood-to-Tacoma Railroad Improvements**

| <b>Meeting:</b>   | <b>Date:</b> | <b>Type of Action:</b>     | <b>Staff Contact:</b>              | <b>Phone:</b> |
|-------------------|--------------|----------------------------|------------------------------------|---------------|
| Finance Committee | 5/4/00       | Discussion/Possible Action | Paul Price, Commuter Rail Director | (206)398-5111 |

**PROPOSED ACTION**

Approval of Motion No. M2000-36 authorizes the Executive Director to execute a contract with the Burlington Northern and Santa Fe Railway (BNSF) for the Preliminary Engineering of Lakewood-to-Tacoma railroad improvements for an amount of \$500,000 with a contingency of 10% (\$50,000), for an authorized amount not to exceed \$550,000. It would also authorize the Executive Director to execute an option in this contract with BNSF for Final Design of these improvements for an amount of \$700,000 with a contingency of 10% (\$70,000), for an authorized Final Design amount not to exceed \$770,000. The total amount of the contract and option would not exceed \$1,320,000. The Final Design option would not be authorized until the Preliminary Engineering contract has been satisfactorily completed by BNSF within the contract budget, and the Federal Transit Administration (FTA) issues its Record of Decision (ROD) and Final Design authorization for the project.

**KEY FEATURES**

**Highlights of Proposed Action:**

- ◆ Begins engineering work on the portion of the Lakewood-Tacoma commuter rail track and signal improvements that are on BNSF property, thereby also opening the negotiations for commuter rail service on this extension.
- ◆ Confines those improvements to the list that is currently undergoing environmental analysis and which will be recommended to the Board as the Preferred Alternative after the Draft Environmental Impact Statement is issued and comments are received.
- ◆ Authorizes the Executive Director to execute a contract with BNSF to complete the track and signal Preliminary Engineering through a contract which will total not more than \$500,000, plus a contingency of 10% (\$50,000), and to exercise an option in that contract for Final Design for \$700,000 plus a contingency of 10% (\$70,000), for a total authorized amount not to exceed \$1,320,000 over the contract and option.

- ◆ Execution of the Final Design option for \$700,000 will be contingent on satisfactory completion of the Preliminary Engineering contract within the contract budget and contingent on the issuance of the ROD and Final Design authorization by FTA.

### **Discussion of Proposed Action:**

As described in Sound Move, Sound Transit expects to operate the Seattle-to-Lakewood commuter rail service on the BNSF railroad right-of-way. To accommodate the planned Sounder operations, certain track and signal improvements are needed in order to provide adequate capacity in the corridor. A short portion of the Lakewood-Tacoma segment will be constructed on new right-of-way between Freighthouse Square and the BNSF branch line known as the Lakeview Subdivision. Design of this short connection has already begun under a separate contract and is not covered by this proposed contract. This proposed contract for Preliminary Engineering and Final Design will provide designs and cost estimates for the improvements along the BNSF Lakeview Subdivision.

Between Lakewood and approximately M Street in Tacoma, BNSF will continue to own the branch line right-of-way on which Sounder trains will run, and BNSF will continue to control the traffic on this right-of-way. As a result, BNSF has a vital interest in the planning and engineering work being undertaken to determine the needed capital improvements and their costs. If the work was conducted independently of BNSF, and if BNSF was not confident of the scope or quality of such work, significant project delays would result, as BNSF would have to supplement or duplicate the engineering work being conducted. A Sound Transit contract directly with BNSF to perform the work is the only practical way to complete the design. This is the same arrangement used for three contracts for engineering work on the Tacoma-to-Seattle main line segment.

The Draft Environmental Impact Statement (DEIS) for the Lakewood-Tacoma segment is anticipated to be published in June 2000, and the Final Environmental Impact Statement and ROD are expected to be issued later this year. The option to begin Final Design on this segment will not be exercised until the Record of Decision and Final Design authorization from FTA are received.

The Sound Transit Board is scheduled to identify the Preferred Alternative for the Lakewood-to-Tacoma commuter rail segment after the DEIS is issued and the comment period has closed. This Preferred Alternative will include definition of the station sites and corridor improvements to be carried forward. This also will involve the Board choosing among three alignment alternatives for a new approximately 0.8 mile single-track connection in the Tacoma section of the segment. The corridor improvements will consist of a list of track and signal improvements necessary to enable passenger service on this line. The engineering contracts will require that the engineering work be performed in conformance with the Environmental Impact Statement, the ROD, and other environmental laws.

The BNSF has selected the Carter-Burgess engineering consulting firm through a competitive procurement to perform the work required under the proposed engineering contract. The railroad has agreed to follow all terms, conditions, and contractual provisions required by the United States Department of Transportation and FTA.

Though the Board will not be identifying its Preferred Alternative until this summer, staff believes it is appropriate to move forward with this action now for the following reasons. First, the

alternative that will enter into preliminary design has received widespread support in the community and reflects community input, and therefore is likely to be the Preferred Alternative ultimately identified by the Board. It also is being identified as a staff-preferred alternative in the DEIS. Second, while this action will allow Sound Transit to enter into a contract with BNSF, actual preliminary design work will not begin immediately and likely will not actually occur until after the Board has identified the Preferred Alternative for the project. Third, as discussed further below, if the process for initiating preliminary engineering is not begun now, it could affect the timeliness of providing commuter rail service along this segment.

**BUDGET**

Budget for this agreement is included in the Preliminary Engineering, Environmental, and Final Design phase budgets of the Lakewood-to-Tacoma Track and Facilities project (budget project #130) as well as the Environmental phase of the S. 56<sup>th</sup> St and Lakewood stations projects (budget projects #251, 253). The Sound Transit 2000 Authorized Budget, approved by Resolution No. R99-33 on November 18, 1999 reflects these numbers on pages 82, 95 and 96. Committing these funds does not endanger any other project elements that are to be funded out of the respective phases of the budget. The following table presents the available budget as it relates to expenditures and the impact of this action:

**Tacoma to Lakewood Segment Preliminary Engineering/Environmental/Final Design**

| Description                        | Budget for this Project/Phase (A) | Expenditures to Date <sup>1</sup> (B) | Total Amount Requested <sup>2</sup> (C) | Remaining (A-[B+C]) (D) |
|------------------------------------|-----------------------------------|---------------------------------------|---|-------------------------|
| <b>Total Related Design Phases</b> | \$ 4,878,000                      | \$2,248,398                           | \$ 1,320,000                            | \$ 1,309,602            |

<sup>1</sup> Expenditures through 12/31/99; includes actual and planned commitments.

<sup>2</sup> Includes Contingency (10% of total).

**ALTERNATIVES**

Since Sound Transit acknowledges that some railroad capacity improvements are necessary along the BNSF right-of-way in order to accommodate commuter rail service while preserving freight mobility, there are no viable alternatives to proceeding with the planning and engineering of such improvements. Given the BNSF’s continued ownership and operation of the right-of-way, BNSF is the only practicable party for the Sound Transit to contract with for the performance of this work. The Board could decide to wait and approve this action in conjunction with its identification of a Preferred Alternative later this summer, but this would cause delay, as explained below.

**CONSEQUENCES OF DELAY**

Delaying the Preliminary Engineering would delay completion of both the Final Design phase and the negotiations with the BNSF for Sound Transit track usage, thereby delaying the implementation of commuter rail service on this segment.

Because of the BNSF's own stake in accomplishing this work in concert with the ongoing negotiations, and given their invested effort in the contracting process to date, failure to proceed creates a potential conflict with BNSF.

### **REGIONAL PARTNERSHIP AND COOPERATION**

Finding a suitable method to construct the improvements contained in the project would not have been possible without the input and assistance of the City of Tacoma, City of Lakewood, South Tacoma area, WSDOT, Pierce County, Pierce Transit, and other surrounding jurisdictions, development projects, downtown planning efforts, City commissions and committees, downtown organizations, business district associations, social service providers, community organizations, neighborhood councils, and arts organizations.

### **PUBLIC INVOLVEMENT**

- ◆ Throughout the environmental analysis for this project, Sound Transit has sought and incorporated public input into the process. Public meetings, including scoping meetings, were held to obtain public comment on the project.
- ◆ Three advertised public Open Houses, four Stakeholder Workshops, and two scoping meetings were held in downtown Tacoma, the Tacoma Dome District, and in Lakewood, some in coordination with Link light rail.

### **LEGAL REVIEW**

MLB 4/25/00

## SOUND TRANSIT

### MOTION NO. M2000-36

A motion of the Finance Committee 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 Preliminary Engineering for \$500,000, with an option to add Final Design of Lakewood-to-Tacoma railroad improvements for \$700,000, plus a 10% percent contingency account on both amounts, for a combined total not to exceed \$1,320,000.

#### Background:

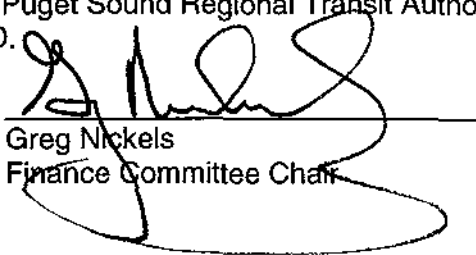
As described in Sound Move, Sound Transit expects to operate the Lakewood-to-Tacoma commuter rail extension on the BNSF railroad right-of-way. To accommodate the planned Sounder operations, certain track and signal improvements are needed in order to provide adequate capacity in this segment. The proposed contracts for Preliminary Engineering and Final Design will provide designs and cost estimates for these improvements.

Between Lakewood and M Street in Tacoma, BNSF will continue to own of the right-of-way on which Sounder trains will run, and BNSF will continue to control the traffic on this right-of-way. As a result, BNSF has a vital interest in the planning and engineering work being undertaken to determine the needed capital improvements and their costs. If the work was conducted independently of BNSF, and if BNSF was not confident of the scope or quality of such work, significant project delays would result, as BNSF would have to supplement or duplicate the engineering work being conducted. A Sound Transit contract directly with BNSF to perform the work is the only practical way to complete the design. This is the same arrangement used for three contracts for engineering work on the Tacoma-to-Seattle segment.

#### Motion:

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director be authorized to execute a contract with the Burlington Northern Santa Fe Railway for Preliminary Engineering of railroad improvements, for an amount of \$500,000 with a contingency of \$50,000, with an option for Final Design for an amount of \$700,000 with a contingency of \$70,000, for a total amount not to exceed \$1,320,000, with the Final Design option not to be executed until satisfactory completion of the Preliminary Engineering work, and until the Federal Transit Administration issues its Record of Decision and Final Design authorization for the project.

Approved by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof on the 4th day of May, 2000.

  
Greg Nickels

Finance Committee Chair

ATTEST:



Marcia Walker  
Board Administrator