

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2001-105**

**Supplemental Agreement No. 2 to Memorandum of Agreement  
between Sound Transit and the City of Everett**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	10/4/01	Discussion/Possible Action to Recommend Board Approval	Val Batey, Project Development Manager	(206) 398-5117
Finance Committee	10/18/01	Discussion/Possible Action to Recommend Board Approval	David Beal, Acting Commuter Rail Director	(206) 398-5124
Board	10/25/01	Action		

**OBJECTIVE OF ACTION**

- To: (1) increase the Sounder Commuter Rail (Sounder) construction budget for Everett Station; (2) approve a transfer of funds between the Regional Express Pacific Avenue Overpass Project and the Sounder Everett Station Project (Project); and (3) establish a second supplemental agreement to the Memorandum of Agreement between Sound Transit and the City of Everett (City) for Funding Design and Construction of the Everett Station.

**ACTION**

- Increases the approved Sound Transit budget for the construction phase of the Sounder Everett Station Project by \$4,738,965 from \$5,705,000 to \$10,443,965.
- Authorizes a transfer of \$4,738,965 from the Regional Express Pacific Avenue Overpass Project to the Sounder Everett Station Project. This inter-departmental budget transfer is reflected in the proposed 2002 Sound Transit Budget.
- Authorizes the Executive Director to execute a second supplemental agreement to the Memorandum of Agreement (MOA) between Sound Transit and the City of Everett for funding design and construction of the Everett Station consistent with the General Principles (see Attachment B). This second supplemental agreement defines the capital elements of the Everett Station Project constructed by the City of Everett and Sound Transit's responsibility for funding these commuter rail-related improvements (\$4,738,965). Upon execution of the second supplemental agreement the total funds paid to the City of Everett by Sound Transit for the Everett Station Project, including this action, will be \$5,038,965.
- The second supplemental agreement places a condition on the payment of these funds to the City which states that Sound Transit shall receive all necessary permits from the City with no other conditions or additional costs to be imposed by the City beyond those identified in the Second Supplemental Agreement. This condition protects Sound Transit's interests (budget, scope, and schedule) and provides a model for future agreements.

## **KEY FEATURES**

### **Highlights of Action:**

- Increases the Sound Transit budget for the construction phase of the Sounder Everett Station Project, from the current approved budget of \$5,705,000 by \$4,738,965 to \$10,443,965. The \$4,738,965 represents additional costs negotiated with the City of Everett for Sound Transit-related project elements being constructed by the City under the MOA for funding design and construction of the Everett Station (see Description of Policy section and Attachment A).
- Authorizes a transfer of \$4,738,965 in cost savings on the Regional Express Pacific Avenue Overpass Project, located in the City of Everett, to the Sounder Everett Station Project.
- Authorizes the Executive Director to execute a second supplemental agreement to the MOA between Sound Transit and the City of Everett for funding design and construction of the Everett Station.
- Establishes, in the second supplemental agreement to the MOA, that \$4,738,965 represents the full and entire amount that the City will seek as reimbursement for the construction phase of the Project and that Sound Transit shall receive all necessary permits from the City with no other conditions or additional costs. This condition protects Sound Transit's interests (budget, scope, and schedule) and provides a model for future agreements.
- Authorizes reimbursement by Sound Transit to the City of Everett for work completed on the construction of the Sound Transit-related elements of the Everett Station as outlined in the second supplemental agreement to the MOA.

## **BUDGET**

- The Sound Transit 2001 Adopted Budget for the Everett Station project is \$17,330,000.
- Of this, \$5,705,000 was approved for the construction phase of this project, and \$1,044,770 has already been obligated, leaving \$4,660,230 available for construction.
- The Sound Transit construction phase includes commuter rail-related elements such as train platforms and amenities, the station track and pedestrian bridge, and parking for commuters on the east side of the tracks. Sound Transit is responsible for the construction of these elements. Sound Transit is also responsible for the environmental clean up of the property purchased for this construction. The cost estimate for construction of these elements has been revised based on having achieved 50% design. The current cost estimate for construction is \$6,152,198. Assuming this cost estimate holds through the construction bidding process, there will be a budget shortfall of \$1,491,968 in the approved 2001 Sound Transit budget for this project.
- The construction phase budget increase reflected in the proposed 2002 Sound Transit Budget for the Everett Station Project includes updated costs for construction management, environmental clean-up, and station amenities including close-circuit television for security, changeable message signs and public address systems. The increase also reflects the cost estimate for construction based on 50% design, which was completed in July 2001.

- In addition, subsequent to the Board's adoption of the 2001 budget for the Project, the City of Everett and Sound Transit staff negotiated, pursuant to the MOA, cost sharing of construction costs associated with the Project uniquely attributable to Sound Transit's operations at the Everett Station. The City and Sound Transit staffs have negotiated, based on the General Principles, \$4,738,965 in construction costs that are attributable to Sound Transit's operations at Everett Station (see Attachment A). Approval of this cost sharing payment to the City of Everett would result in a shortfall of \$6,230,933 from the approved 2001 Sound Transit budget for this project (\$1,491,968 + \$4,738,965).
- Staff is recommending a transfer of \$4,738,965 from cost savings on the Regional Express Pacific Avenue Overpass Project to the Sounder budget for Everett Station Project to help address this budget shortfall. The Regional Express Pacific Avenue Overpass Project is functionally related to the Everett Station Project and is currently nearing completion. A significant cost savings has been realized on the Pacific Avenue Overpass project.

The approved construction phase budget for the Sounder Everett Station Project (Snohomish subarea) is found on page 89 of the Adopted 2001 Budget. The following table displays the associated budget, obligations, and the corresponding impact of this action to those figures.

The approved Everett Station Project construction budget would hereby be increased by \$4,738,965 through a transfer of funds from Regional Express to Sounder.. An additional \$2,829,025 is also requested in the proposed 2002 budget currently under review by the Board. This increase in the construction phase budget is included in the proposed 2002 budget for the Everett Station Project.

### **Everett Station Construction Budget and Impact of this Motion**

2001 approved construction budget Everett Station Project #201	\$ 5,705,000
<u>This Action:</u>	
Motion 2001-105 Proposed Transfer from Pacific Avenue Overpass _____project to Everett Station	\$ 4,738,965
Proposed 2002 Increase in Sounder Everett Station construction budget <sup>1</sup>	<u>2,829,025</u>
<b>Total</b>	<b><u>\$7,567,990</u></b>
New construction budget (this action plus approved budget)	\$13,272,990
Obligated to date	<u>(1,044,770)</u> <sup>2</sup>
Subtract Obligated from new construction budget	\$12,228,220
Payment to City of Everett for cost sharing	<u>(4,738,965)</u>
Subtotal after payment to City	\$ 7,489,255
Construction cost estimate at 50% design	<u>(6,152,198)</u>
New total remaining in Sounder Everett Station construction budget	<b><u>\$ 1,337,057</u></b>

<sup>1</sup> Proposed 2002 budget for Everett Station Project #201 construction phase.

<sup>2</sup> Obligations = expenditures of \$772,540 and commitments of \$272,230 through 7/31/01.

### **FINANCIAL IMPACTS**

**Impact on Current Year Budget:** The proposed Supplemental Agreement to the MOA ninety percent of the payment to the City of Everett, \$4,265,068 to be paid in October 2001 if the Sound Transit Board and the Everett City Council approve execution of the Supplemental Agreement to the MOA. This amount is proposed to be paid from the current year budget for the Everett Station (project #201) construction phase.

**Impact on Sound Move Budget:** Funds from the construction cost under-run on the Pacific Avenue Bridge project are proposed to be transferred from the Regional Express budget to the Sounder budget to address the shortfall in the Everett Station project budget.

**Impact on Cost-to-Complete:** The requested budget increase associated with this action will result in an increase to the “cost-to-complete” budget for the Everett-Seattle segment by \$4,738,965. This motion is unrelated to Sounder’s cost-to-complete budget amendment (Resolution No. R2001-10), which related only to the Tacoma-to-Seattle segment.

**Impact on Subarea(s) Budget(s):** The funds transfer involved in this action occur within the Snohomish County subarea and have a no effect on the total budget for the subarea.

**HISTORY OF PROJECT**

The Everett Multimodal Station project was an original component of the Sound Move plan. It was intended to provide a nexus for local and regional bus service, Greyhound bus, and express package service, Amtrak Cascades and Empire Builder service, and commuter rail. The City of Everett enhanced the transit component by adding a facility to house continuing education, employment counseling services, and a community gathering space. The Sound Move budget for Sound Transit’s portion of the Everett Station was based on a conceptual plan for the facility.

Since 1999, Sound Transit and the City of Everett have been party to a MOA establishing a working relationship for environmental process, design and permitting, and construction of the proposed Everett Sounder facilities. Sound Transit has paid the City for taking the lead in the design of the station, as agreed in the first supplement to the MOA. The City is now requesting cost sharing on construction costs of Sound Transit-related facilities.

Sound Transit’s approved 2001 construction budget for the Everett Station assumes construction of sufficient platforms, parking, and other amenities to provide safe and efficient access to Sounder Commuter Rail service. Subsequent to the adoption of the 2001 budget, Sound Transit staff entered into negotiations with City of Everett staff on cost sharing of elements constructed by the City as part of the overall project. These discussions were based on the MOA and subsequent Supplemental Agreement Number One which states that certain parking and platform elements designed and under construction by the City of Everett are directly related to Sound Transit service at Everett Station. A term sheet was prepared and agreed to by City of Everett and Sound Transit staff.

**Prior Board or Committee Actions  
and Relevant Board Policies**

<b>Motion/Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
Motion No. M2000-33	Supplemental Agreement No. One to the Memorandum of Agreement, allowing Sound Transit to reimburse the City for design costs for commuter rail related station elements.	April 20, 2000
Resolution No. R99-5	Memorandum of Agreement between Sound Transit and the City establishing working relationship for environmental process, design and permitting of the proposed Everett Sounder facilities.	Feb. 11, 1999

## **CONSEQUENCES OF DELAY**

The City of Everett broke ground on construction of the Everett Station in July 13, 2000. Completion of construction is scheduled for December 2001. The City took the risk in commencing construction of the Everett Station without the benefit of a supplemental cost-sharing agreement in place. The City has taken a lead role in developing the Everett Station facility west of the mainline tracks while Sound Transit will develop the station track and platforms, a pedestrian bridge, and a parking lot on the east of the mainline tracks.

There is not currently an instrument with which Sound Transit can reimburse the City for any negotiated capital costs incurred by the City to construct the Sound Transit-related elements of the Everett Station. The proposed action allows Sound Transit to reimburse the City for Everett Station construction costs that are uniquely attributable to and supportive of Sound Transit services including Regional Express bus and Sounder Commuter Rail. A delay could cause the City financial difficulties in meeting their obligations to construction contractors.

## **REGIONAL PARTNERSHIP AND COOPERATION**

- Sound Transit, by Motion No. M98-40, entered into a MOA with the City of Everett for the development of the Pacific Avenue Overpass. The MOA stated that the parties would work together cooperatively to complete public involvement, environmental review, design right-of-way acquisition, and construction.
- Sound Transit, by Motion No. M99-88, provided funding to the City of Everett in the amount not to exceed \$17,118,313 for the construction of the Pacific Avenue Overpass project. At the same time, Sound Transit agreed to give the City of Everett the lead responsibility for permitting, construction, construction administration, and other construction-related activities. Sound Transit funded this project to improve transit, automobile, and pedestrian access to the Everett Station. Sound Transit had already paid for preliminary engineering and final design of the Pacific Avenue Overpass project. Sound Transit also purchased the property required for the construction of the Pacific Avenue Overpass project.
- By Resolution No. R99-5, Sound Transit and the City of Everett entered into a MOA establishing a working relationship for environmental process, design, and permitting of the proposed Sounder facilities in Everett (Bond Street Station, later deleted from Sound Move, was included in this MOA).
- By Motion No. M2000-33, Sound Transit and the City of Everett agreed to supplemental agreement number one to the Everett Station MOA for cost sharing for design of the Everett Station. The costs Sound Transit agreed to pay were for “commuter rail-related elements.”
- Sound Transit staff has agreed in principle with City of Everett staff that the City of Everett has already constructed certain elements of the Everett Station which are of direct benefit to commuter rail service. (See Attachment B “General Principles.”)

## **PUBLIC INVOLVEMENT**

The Everett Station has been the subject of a SEPA EIS prepared by the City of Everett, which was adopted by Sound Transit for the Everett-Seattle Commuter Rail Project. Public hearings and informational meetings were held as part of the preparation of these documents.

Opportunities for public comment occurred when the City and Sound Transit issued the draft EIS documents respectively. In addition, prior to the selection of a preferred alternative, a public hearing was held before the Sound Transit Board.

The Everett Station design process includes a Technical Advisory Committee comprised of City of Everett staff to review the station design and insure compatibility and coordination with surrounding projects.

## **DESCRIPTION OF POLICY**

- **Budget transfer:** Transfer of \$4,738,965 between two lines of business within the Snohomish County Subarea. In the past, transfers have been made within a line of business, but not between them. Specifically, staff recommends transferring the cost savings associated with a Regional Express project (Pacific Avenue Overpass) to cost increases associated with a Sounder project (Everett Station). This transfer is intended to pay for construction costs incurred by the City of Everett which are related to the Sound Transit functions of the Everett Station. This would also involve a transfer of funds during the 2002 budget cycle from Regional Express to Sounder. The proposed transfer has received the concurrence of the Regional Express Director and the Snohomish County delegation of the Board.
- **Placing conditions on the supplemental agreement to the MOA:** Requires commitment from the City of Everett that \$4,738,965 represents the full and entire amount of Sound Transit project elements for which the City will seek reimbursement for the construction phase of the Project and that Sound Transit shall receive all necessary permits for the construction of the remaining Sound Transit station and layover components from the City with no other conditions or additional costs. This condition protects Sound Transit's interests (budget, scope, and schedule) and provides a model for future agreements.

## **Factors to Consider**

- The City of Everett has taken the lead in design and construction in order to complete construction of the Everett Station by December 2001, as anticipated by the MOA. The City of Everett elected to start construction of the Everett Station facility prior to an agreement between Sound Transit and the City on the cost of the Sound Transit-related elements of the station.
- The Pacific Avenue Overpass is a \$17 million project that provides a five-lane, grade-separated crossing over the Burlington Northern Santa Fe railroad tracks, allowing easy access to the Everett Station by car, bus, as well as for pedestrians and non-motorized modes.
- When Sound Transit entered into an agreement with the City of Everett to fund the Pacific Avenue Overpass and related improvements it was done so as to address the off-site traffic and access issues involved with the development of the Sounder Everett Station facility.

- ST Regional Express contributed \$3.4 million to the design, right of way, and construction of this project. Resolution No. R99-14 reallocated \$10 million (1995\$) from the East Everett Park-and-Ride Lot to the Pacific Avenue Overpass project. Motion No. M2000-66 provided \$2 million in Sound Transit local funds to be repaid to Sound Transit in 2004 (regional TIP dollars that PSRC helped to balance after I-695 passed.)
- The City has thus far negotiated separately with Sounder and Regional Express with respect to funding these two closely related elements. Sounder and Regional Express staff agree that all additional Everett Station costs identified by the City of Everett should be covered by the proposed payment of \$4,738,964.

### **Alternatives**

Sound Transit and the City of Everett agreed to work cooperatively on environmental process, design, and permitting of the Everett Station project through the MOA signed in 1999. The MOA does not specifically address the construction of the Everett Station project. It is assumed both parties intended to continue to work cooperatively through the construction and operation of the Everett Station facility. The relationship needs to continue if Sound Transit desires to operate Sounder Commuter Rail and Regional Express service at the Everett Station facility.

### **Internal and External Consultations**

Sounder staff have been working directly with the City of Everett Mayor's Office staff on the general principles for the development of the Second Supplemental Agreement to the MOA.

Regional Express staff have been included, and should continue to be, especially as negotiation transitions from construction costs to the operating agreement.

The Snohomish delegation of the Sound Transit Board has been briefed on the Second Supplemental Agreement to the MOA and supports the transfer of funds from Regional Express to Sounder Budgets.

### **LEGAL REVIEW**

JDW 9/25/01

## SOUND TRANSIT

### MOTION NO. M2001-105

A motion of the Board of the Central Puget Sound Regional Transit Authority to: (1) increase the Sounder construction budget for Everett Station to \$10,443,965 ; (2) approve a transfer of \$4,738,965 from the Regional Express Pacific Avenue Overpass Project to the Sounder Everett Station Project; and (3) authorize the Executive Director to execute a second supplemental agreement to the Memorandum of Agreement between Sound Transit and the City of Everett for Funding Design and Construction of the Everett Station.

#### Background:

Since 1999, Sound Transit and the City of Everett (City) have been party to a Memorandum of Agreement establishing working relationship for environmental process, design and permitting and construction of the proposed Everett Sounder facilities. Sound Transit has paid the City for taking the lead in the design of the station, as agreed in the first supplement to the MOA. The City is now requesting Sound Transit's share of construction costs for Sound Transit-related facilities at Everett Station.

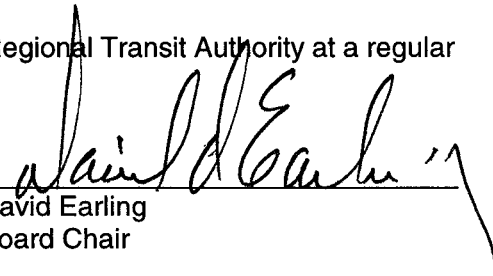
Sound Transit's 2001 construction budget for the Everett Station assumes construction of sufficient platforms, parking, and other amenities to provide safe and efficient access to Sounder Commuter Rail service. Subsequent to the adoption of the 2001 budget, Sound Transit staff entered into negotiations with City of Everett staff on cost sharing of elements constructed by the City as part of the overall project. These discussions were based on the Memorandum of Agreement and subsequent Supplemental Agreement Number One which states that certain parking and platform elements designed and under construction by the City of Everett are directly related to Sound Transit service at Everett Station. City of Everett and Sound Transit staff negotiated a term sheet.

#### Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that:

- The Sounder construction budget for Everett Station be increased to \$10,443,965 ;
- \$4,738,965 is transferred from the Regional Express Pacific Avenue Overpass Project to the Sounder Everett Station Project;
- The Executive Director is authorized to execute a second supplemental agreement to the Memorandum of Agreement between Sound Transit and the City of Everett for Funding Design and Construction of the Everett Station, consistent with the General Principles established by Sound Transit and the City of Everett. The second supplemental agreement places a condition on the payment of these funds to the City which states that Sound Transit shall receive all necessary permits from the City with no other conditions or additional costs to be imposed by the City beyond those identified in the Second Supplemental Agreement.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 25th day of October 2001.

  
David Earling  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator



**ATTACHMENT A**

**Reimbursement to City of Everett for Sound Transit  
Construction Cost at Everett Station**

<b>Item</b>	<b>Item - Direct</b>	<b>Description</b>	<b>Reimbursement</b>
	<b>Commuter Rail Platform (1-5)</b>		
1	Shelters	\$15,086; and 7 type 4 shelters at \$12,593.	\$ 498,197
2	Windscreens	Three windscreens @ \$6,151.	18,453
3	Benches within Shelter	Three benches @ \$1,250.	3,750
4	Trash Containers (plus S. Parking Lot)	Eight trash containers for the platform and south parking lot @ \$850.	6,800
5	Net cost to delete Commuter Rail Platform from Contract	Cost is the difference between the original cost of the Amtrak and Commuter Rail Platforms (\$727,170), subtraction of the credit for deleting this work (\$632,157), and addition of the platform's edge due to the platform's deletion (\$268,472)	363,485
6	South Parking Lot	Direct cost of constructing 344 parking stalls (which includes 10 for BNSF personnel and 11 for disabled access.)	1,035,603
7	Site Improvements	Direct cost of constructing site improvements in the south parking lot and once the commuter rail platform is constructed. These include tree grates, lighting electrical connections, power hookups, speakers, cameras (CCTV), fencing and city provided signage.	432,972
8	Landscaping	Direct cost of the south parking lot's interior landscaping.	272,341
		<b>Subtotal</b>	<b>2,631,601</b>
	Owner's Contingency @ 10%		263,160
		<b>Subtotal</b>	<b>2,894,761</b>
	Commuter Rail Share of Direct Cost	Total direct cost of the entire Everett Station project is \$24,884,056. Commuter rail's share is 11.63%.	0.1163
	<b>Item - Indirect</b>		
13	Street Improvements	Commuter rail's share is based on its pro-rate share of parking stalls (344/748) or 46%.	1,231,075
14	Landscaping (right of way)	Commuter rail's share is based on its pro-rate share of parking stalls (344/748) or 46%.	62,554
15		<b>Subtotal</b>	<b>1,293,629</b>
16	Owner's Contingency @ 10%		129,363
17		<b>Subtotal</b>	<b>1,422,992</b>
18	Commuter Rail Share of Indirect Cost	Total indirect cost of the entire Everett Station project is \$3,400,384. Commuter rail's share is 41.85%.	0.4185
	<b>Item - Other</b>		
19	Team Track Removal	Approximately 1,652 lineal feet of track has been removed. The commuter rail parking lot contains approximately 49% of the team track length. Therefore, 49% of the cost to remove and develop a temporary team track is assigned to commuter rail.	6,476

## Reimbursement to City of Everett for Sound Transit Construction Cost at Everett Station, continued

Item	Item - Direct	Description	Reimbursement
20	Team Track Relocation	This is BNSF's cost and the share is the same as the team track removal.	81,340
21	Constructability Review	Constructability review cost is prorated based on 11.63% of the total direct cost.	3,183
22	Permits	The permit fee is based on the value of the project's right of way improvements. The applicable fee is 1.5% for plan review. Commuter rail's share is .015 of the indirect right of way improvements (streets and landscaping) in terms of dollar value.	19,404
23	Construction Observation	Commuter rail's share of the direct and indirect cost (but not "other") is 15.27%.	155,952
24	Construction Management	The same 15.27% applies to construction management services.	122,104
25	Testing and Commissioning	The cost is based on the commuter rail share of direct and indirect costs minus the building cost (or \$14,485,052) which is 51.21%. Pro-ration of the testing and commissioning work leaves a base of \$102,240 to apply the 15.27%.	15,612
26	Document Reproduction	The commuter rail share of document reproduction is 15.27%.	3,054
27	Dispute Review Board	The commuter rail share of the Dispute Review Board work is 15.27%.	9,926
28	South Parking Lot Redesign	Per Sound Transit's request.	15,339
29	Construction of South Lot Retaining Wall	Extra cost due to the re-design.	63,497
30	South Lot Redesign Construction Savings	Savings due to the re-design.	(86,128)
31	Miscellaneous	Miscellaneous expenditures include photography (aerial and surface), special mailings, legal services, groundbreaking and opening ceremony events, construction bidding advertisements, surveying, and plan copies for Sound Transit for example.	11,453
32		<b>Subtotal</b>	<b>421,211</b>
33		<b>Grand Total</b>	<b><u>4,738,964</u></b>
34	Commuter Rail Share of All Costs		0.1544

**Note Description**

- 1 Cost is for 3 type 3 shelters @ \$24,680; 9 type 2 shelters at \$22,248; 9 type 6 shelters @ \$15,086; and 7 type 4 shelters at \$12,593.
- 2 Cost is for 3 windscreens @ \$6,151.
- 3 Cost is for 3 benches @ \$1,250.
- 4 Cost is for 8 trash containers for the platform and south parking lot @ \$850.
- 5 Cost is the difference between the original cost of the Amtrak and Commuter Rail Platforms

(\$727,170), subtraction of the credit for deleting this work (\$632,157), and addition of the platform edge due to the platform's deletion (\$268,472).

- 6 Direct cost of constructing 344 parking stalls (which includes 10 for BNSF personnel and 11 for disabled access.
- 7 Direct cost of constructing site improvements in the south parking lot and once the commuter rail platform is constructed. These include tree grates, lighting electrical connections, power hookups, speakers, cameras (CCTV), fencing and city provided signage.
- 8 Direct cost of the south parking lot's interior landscaping.
- 12 Total direct cost of the entire Everett Station project is \$24,884,056. Commuter rail's share is 11.63%.
- 13 Commuter rail's share is based on its pro-rate share of parking stalls (344/748) or 46%.
- 14 Commuter rail's share is based on its pro-rate share of parking stalls (344/748) or 46%.
- 18 Total indirect cost of the entire Everett Station project is \$3,400,384. Commuter rail's share is 41.85%.
- 19 Approximately 1,652 lineal feet of track has been removed. The commuter rail parking lot contains approximately 49% of the team track length. Therefore, 49% of the cost to remove and develop a temporary team track is assigned to commuter rail.
- 20 This is BNSF's cost and the share is the same as the team track removal.
- 21 Constructability review cost is prorated based on 11.63% of the total direct cost.
- 22 The permit fee is based on the value of the project's right of way improvements. The applicable fee is 1.5% for plan review. Commuter rail's share is .015 of the indirect right of way improvements (streets and landscaping) in terms of dollar value.
- 23 Commuter rail's share of the direct and indirect cost (but not "other") is 15.27%.
- 24 The same 15.27% applies to construction management services.
- 25 The cost is based on the commuter rail share of direct and indirect costs minus the building cost (or \$14,485,052) which is 51.21%. Pro-ration of the testing and commissioning work leaves a base of \$102,240 to apply the 15.27%.
- 26 The commuter rail share of document reproduction is 15.27%.
- 27 The commuter rail share of the Dispute Review Board work is 15.27%.
- 28 Per Sound Transit's request.
- 29 Extra cost due to the re-design.
- 30 Savings due to the re-design.
- 31 Miscellaneous expenditures include photography (aerial and surface), special mailings, legal services, groundbreaking and opening ceremony events, construction bidding advertisements, surveying, and plan copies for Sound Transit for example.

## ATTACHMENT B

### General principles for the Sound Transit and the City of Everett Memorandum of Agreement for Development of the Sounder Everett Commuter Rail Station and Completion of the City of Everett’s “Everett Station” Project

Responsibility Area	Sound Transit Responsibilities	City of Everett Responsibilities
<p>General approach for proceeding with station development</p>	<p>The ST Sounder Everett Station budget, as adopted by the ST Board of Directors, will pay for the following: 1) completion of all Sounder platform elements and the development of train and passenger facilities (including parking on the east side of the BNSF tracks); 2) the development of the layover yard and related track, signal and other system improvements; 3) provision of at least 300 commuter rail-specific parking stalls on the west side of the BNSF tracks; and 4) shared funding in other elements of the greater “Everett Station” area.</p> <p>Project-related mitigation and betterments proposed for cost sharing will be discussed further as a MOA is developed.</p> <p>(Paul to provide costs for sidewalk/street tree improvements to 32<sup>nd</sup> and 33<sup>rd</sup> Avenues west of the tracks.)</p> <p>To the extent that ST participates in the funding of “shared” facilities on the west side of the BNSF tracks, that financial participation shall be proportional to the use and/or benefit derived by ST and its commuter rail passengers as calculated against the total uses and/or benefits derived by all users of the shared facilities.</p> <p>Sound Transit funds cannot be used, nor can they appear to be used, to supplement the development costs of the career development/education center or any other <u>non-regional transit</u> facility located at the greater “Everett Station”.</p> <p>ST agrees to define “shared facilities” in cooperation with City.</p>	<p>Both parties must agree on the funding of shared regional transit-specific facilities on the west side of the BNSF tracks.</p> <p>The City of Everett, through a variety of funding sources, is responsible for: 1) completing their “Everett Station” project; and 2) funding with non-ST sources all portions of the “Everett Station” that are not specifically related to the regional transit functions at the location.</p> <p>City agrees to define “shared facilities” in cooperation with ST.</p>
<p>Design of Sounder commuter rail facilities</p>	<p>Sound Transit to fund and manage.</p> <p>Sound Transit to reimburse the City of Everett for design work already undertaken by the City and its consultants on Sound Transit’s behalf.</p> <p>ST’s consultant shall have equal responsibility</p>	<p>City of Everett to review and comment at 30%, in-progress, pre-final and final stages. (City to submit a single set of <u>written</u> comments reconciling concerns of all departments, including the department(s) involved in permit review.)</p>

	to coordinate permit review with the City and to identify all permits necessary for the project to move forward.	<p>The actual City of Everett staff who will be responsible for issuing Sound Transit the permits required for the development of the Sounder facilities will participate throughout the design review process as it occurs, and will issue written comments pertinent to the permit process and codes as early as possible.</p> <p>If there is a conflict between the City's zoning code and design standards established by the BNSF for improvements in the RR operating right-of-way, ST will seek a variance from the applicable requirements.</p>
Permitting	Sound Transit will prepare, complete and submit all applications in a timely manner and on a schedule agreed to by the parties.	The City of Everett will identify a staff member responsible as a point person for each permit required for Sound Transit's construction. This person or persons will be involved in the design review, participate throughout the design review process and will provide written comments pertinent to the permit process and all applicable codes to ST in a timely manner. These written comments will constitute the City's final comments on the permit review unless the design is changed by Sound Transit.
Construction Costs	<p>The ST Sounder Everett Station budget, will pay for: 1) all Sounder platform elements and the development of train and passenger facilities on the east side of the BNSF tracks, including the pedestrian bridge, 2) the layover yard and related track, signal and other system improvements, 3) at least 300 commuter rail-specific parking stalls on the west side of the BNSF tracks, 4) the "South Garden" area and 5) the Amtrak platform (if necessary).</p> <p>Proportional to its use and/or derived benefit ST will participate in the funding of certain "shared" transit facilities on the west side of the BNSF tracks.</p>	The City of Everett, is responsible for: 1) completing their "Everett Station" project, 2) funding with non-ST sources all portions of the "Everett Station" that are not regional-transit specific, and 3) funding with non-ST sources all portions of the "Everett Station" that are not specifically related to the regional transit functions at the location.
Construction management	Sound Transit to bid and manage project construction for its facilities on the east side of the BNSF tracks including the pedestrian bridge, the layover yard, and any construction required to finish the commuter rail platform. The commuter rail platform and the south garden may also be elements for which Sound Transit will bid and manage projection construction.	On the same principles stated above ST may participate in the funding of construction management of shared transit facilities on the west side of the BNSF tracks

	Sound Transit reimburse the City of Everett for construction management of facilities the City has already contracted for that are specific to the commuter rail function at Everett Station (e.g., platform construction)	
Ownership of improvements	<p>If Sound Transit pays <math>\leq 50\%</math> of the capital costs, excluding staff and admin. costs, City owns improvements and Sound Transit gets rights to use</p> <p>If Sound Transit pays <math>&gt; 50\%</math> of the capital costs, excluding staff and admin. costs, ownership and operating rights are shared proportionally.</p> <p>If Sound Transit pays all capital costs, excluding staff and admin. costs, Sound Transit owns improvements and operating rights.</p>	{Same}
Use of City-owned property and rights-of-way (including street closures and vacations)	Sounder granted use of all City right-of-way without cost.	City of Everett will manage the permit processes.
Property Acquisition & Relocations	Sound Transit will manage (at its own cost) all remaining property acquisitions and relocations necessary for the completion of the Sounder commuter rail facilities.	City of Everett to take no actions, including changes in land use, to increase the costs of remaining property acquisitions or relocations to be performed by ST.
Operations Building	ST responsible for the design, construction, maintenance and operation of the Operations Building.	City to donate the property on which the Operations building will be built.
Payment	Both parties agree to follow the model establish for the Pacific Ave. Overpass project.	

# SOUND TRANSIT

## MOTION NO. M2001-105

### Supplementary Information for Motion No. M2001-105

Motion No. M2001-105 recommends a transfer of \$4,738,965 from the Regional Express program to the Sounder program, all within the Snohomish County subarea budget. At the October 18, 2001 Finance Committee meeting, some Sound Transit Board members questioned this inter-program transfer as the most appropriate means of funding the Supplemental Agreement to the Memorandum of Agreement that is the subject of Motion No. M2001-105. There are other possible ways to fund the Memorandum of Agreement. These are described below:

#### Funding Strategy and Advantages/Disadvantages

**1. Transfer funds from Regional Express (Pacific Avenue Overpass Project) to the Snohomish County subarea financial capacity, then transfer funds to Sounder (Everett Station).**

*Advantages:* This is the strategy discussed with, and agreed to by, the Snohomish County subarea delegation. These funds are surplus to the Regional Express program Pacific Avenue Overpass project, to be completed in November 2001. Would be an inter-program funds transfer. (No existing financial policy precludes an inter-program transfer.) Such an inter-program transfer has been proposed before, from the Regional Express to the Link program, but the Sound Transit Board has not yet taken action on that proposal. The Pacific Avenue Overpass and Everett Station projects are functionally related. The Pacific Avenue Overpass provides transit, auto and non-motorized access to the Everett station as well as a grade separation for general traffic on Pacific Avenue, a major arterial connecting downtown Everett with I-5 and the Everett Station Area.

*Disadvantages:* The inter-program transfer would conceivably limit Regional Express' ability to use the surplus as reserve funds or to pay for other, as yet unknown, costs.

**2. Allocate available Snohomish County subarea financial capacity to fund the \$4,738,965 cost overrun.**

*Advantages:* Under the current 2002 proposed finance plan before the latest revenue update, the Snohomish County subarea has sufficient additional phase I capacity available.

*Disadvantages:* Would consume financial capacity now, limiting future funding flexibility.

**3. Shift funds from the Everett-to-Seattle Track & Facilities budget (project no. 100) to the Everett Station budget (project no. 201).**

*Advantages:* Would eliminate the need for an inter-program transfer, with the Sounder program absorbing Sounder costs.

*Disadvantages:* The Track & Facilities budget for the Everett-to-Seattle segment reflects a shortfall of at least \$76M (in 1995 dollars) - \$46M originally expected from WSDOT (pre I-695) and \$30M from Amtrak. Until Sound Transit successfully negotiates operating and construction agreements with the BNSF in 2002, it is not possible to know the total budget required for the track and facilities. Depleting this budget by \$4,738,965 to cover costs at Everett Station could result in an even greater shortfall to be faced later by Sound Transit and our partners.

**SOUND TRANSIT**

**MOTION NO. M2001-105**

**Parking Cost Development  
Cost Comparison**

	<b>Everett East Parking Lot (433 stalls)</b>	<b>Everett South Parking Lot (344 stalls)</b>	<b>Tacoma Dome Phase II (1,200 stalls)</b>
Design	\$0.3 m	?	\$1.56 m
Property / Relocation	\$7.9 m	?	\$0.5 m
Clean Up	\$1.0 m	?	\$0.026 m
Construction	\$2.5 m (\$5.9k/stall)	\$1.91 m (\$5.5k/stall)	\$19 m (\$15.8k/stall)
Administration	\$0.66 m	\$0.33 m	\$1.45 m
<b>TOTAL</b>	<b>\$12.4 m</b>	<b>\$2.24 m</b>	<b>\$22.53 m (1998\$)</b>