

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2002-62

Approval of E-3 Busway Related Agreements

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	5/2/02	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Director	(206) 398-5389
Board	5/9/02		Michael Williams, Link Project Development Manager Larry Ellington, Senior Real Estate Representative	(206) 398-5145 (206) 398-5026

Contract/Agreement Type:		Requested Action:	
Competitive Procurement	3	Execute New Contract/Agreement	3
Sole Source		Amend Existing Contract/Agreement	3
Memorandum of Agreement	3	Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- To allow Sound Transit to construct and operate the Link Light Rail alignment through the E-3 Busway corridor between the southern boundary of the Downtown Seattle Transit Tunnel and South Forest Street.

ACTION

- Authorize the Executive Director to enter into an umbrella agreement with King County and the Washington State Department of Transportation to acquire property interests and allow Sound Transit to construct and operate the Link Light Rail alignment through the E-3 Busway corridor between the southern boundary of the Downtown Seattle Transit Tunnel and South Forest Street.

KEY FEATURES

- The umbrella agreement sets forth the provisions for Sound Transit to acquire a fee simple estate in the E-3 Busway area from the State free and clear of King County property interests and acquire a temporary construction easement upon portions of State property.
- The umbrella agreement sets forth the provisions for Sound Transit to purchase from King County a 30' strip of property along the E-3 Busway between Royal Brougham Way and Massachusetts Street based on the "functional" replacement cost of 100 parking stalls within a new parking facility to be constructed by King County and scheduled for completion in 2004.
- The umbrella agreement sets forth the provisions for entering into an Air Space Lease with WSDOT for the I-90 Limited Access area between the southern boundary of the Downtown

Seattle Transit Tunnel generally to the southern boundary of the WSDOT's I-90 Limited Access area near Royal Brougham. King County currently has WSDOT authorization to use this area for transit related purposes. Sound Transit Link Light Rail requires shared use of this area with King County buses. WSDOT will grant permission to Sound Transit for construction and operation of Link Light Rail and reaffirm King County 's continued authorized use, at no additional cost to King County. Construction of improvements to accommodate joint use of this area by King County and Sound Transit shall be coordinated with Downtown Seattle Transit Tunnel (DSTT) modification work. WSDOT, King County, and Sound Transit shall be responsible for maintenance of their own facilities. King County and Sound Transit responsibilities for maintenance of shared facilities shall be defined in a separate Operation and Maintenance agreement (e.g. DSTT agreement).

- King County will convey to the State their interest in the portion of the E-3 busway that will be used for light rail between Royal Brougham Way and South Forest Street. The State will convey to Sound Transit this same property with payment made by Sound Transit through the Land Bank.
- The State, King County and Sound Transit require the use of the area defined as the E-3 Limited Access Area, which is between the southern boundary of I-90 Limited Access Area and South Forest Street. These various uses are covered under the umbrella agreement and will be incorporated into agreements to be executed separately. The general elements of the umbrella agreement are listed below:
 - Sound Transit light rail requires the easterly portion of the E-3 Limited Access Area south to S. Forest Street (“Light Rail Corridor”).
 - King County must retain sufficient property rights for continued transit roadway operations along the E-3 Limited Access Area.
 - King County and WSDOT each require use of that portion of the Light Rail Corridor that lies north of the southern border of South Massachusetts Street. (“Northern Segment of Light Rail Corridor”) for construction of the Central Base parking garage and the SR519 Intermodal Access Project, respectively, and this affects ST’s construction access. “Southern Segment of Light Rail Corridor” is the portion of the Light Rail Corridor south of the southern boundary of South Massachusetts Street.
 - If necessary to provide Sound Transit with timely access for construction, King County and WSDOT will allow Sound Transit access for certain construction activities such as E-3 Busway relocation, utility relocation and surveys.
 - WSDOT will relocate the easterly limited access line of the E-3 busway to accommodate Sound Transit’s facilities.
 - The parties will convey to each other or others, the rights necessary to accommodate additional or relocated utilities and related light rail facilities.
 - To the extent that WSDOT, King County and Sound Transit are affected by the improvements in both the Light Rail Corridor and the E-3 Busway corridor the agreement will address: design and construction by Sound Transit; WSDOT design review and King County design review and approval; mitigation of construction impacts on King County bus operations; and E-3 busway restoration.

The elements of the umbrella agreement that relate to the northern segment of the light rail corridor (south boundary of I-90 Limited Access to Massachusetts Street) are listed below:

- Upon King County's completion of construction of their Central Base parking garage, King County shall convey the Northern Segment of the Light Rail Corridor to WSDOT, and WSDOT shall in turn convey the same to Sound Transit, subject to reserved rights of the WSDOT and King County for their necessary facilities. The parties are working to establish specific dates or events for Sound Transit's access to build light rail, replacement of King County necessary parking and completion of WSDOT's construction staging for the SR 519 Intermodal Access Project.
- Sound Transit shall pay fair market value consideration to WSDOT, via the WSDOT/Sound Transit Land Bank, for their interest in the Northern Segment of the Light Rail Corridor.
- King County may construct a pedestrian bridge across the Light Rail Corridor to link its Central Base parking garage and the Ryerson Base. WSDOT will allow the pedestrian bridge to cross the E-3 Limited Access area.
- King County desires to acquire a portion of E-3 Limited Access area for base operations (Royal Brougham to S. Massachusetts a.k.a "bus layover area"). WSDOT will relocate the westerly E-3 Limited Access line to accommodate King County base operations subject to agreement on consideration to be paid by King County.

The elements of the umbrella agreement that relate to the southern segment of the Light Rail Corridor (Massachusetts Street to Forest Street) are listed below:

- King County shall convey the Southern Segment of the Light Rail Corridor to WSDOT, and WSDOT shall in turn convey the same to Sound Transit, subject to reserved rights of WSDOT and King County for their necessary facilities. King County will convey its interest in the Light Rail Corridor after the E-3 busway is relocated by Sound Transit, and after WSDOT's confirmation that such conveyance does not trigger a reversion in the remainder of the E-3 busway.
- Sound Transit shall pay FMV consideration to WSDOT, via the WSDOT/Sound Transit Land Bank, for their interest in the Southern Segment of the Light Rail Corridor.
- The term of the agreement is through the final design phase ending on December 31, 2004.

BUDGET IMPACT SUMMARY

Project Description: Initial Segment

Current Status: Final Design

Projected Completion Date: 07/2009

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	N		

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

The total capital budget for the Initial Segment from CPS to S. 154th is \$2.07 billion. Within that budget, the activity contemplated within this motion is identified within the Right of Way phase. This activity was included within the cost estimate and there are sufficient funds identified for work identified in this motion. The budget for this activity is \$24,624,937 including previously completed work. With the award of this contract, there is sufficient budget remaining to complete the project.

Funds were previously authorized to acquire property interests considered necessary for construction of Contract 700 (E-3 busway south of Royal Brougham) under Resolution No. R2000-13. However, additional authorization is necessary to provide functional replacement of King County's loss of 100 parking stalls. Acquisition of property interests from WSDOT is expected to be funded out of the Sound Transit/WSDOT Land Bank. Funds to acquire property interests necessary for Contract 500 (north of Royal Brougham) are included in the authorized budget for Link.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current board adopted budget and is affordable within the agency's current long-term financial plan and subarea financial capacity. The action will have no new revenue impacts on Sound Transit.

SUMMARY FOR BOARD ACTION

Summary for Board Action (Year of Expenditure \$000)

Action Item: E-3 Busway Agreements

	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (D)
1 Agency Administration	226,200	8,373		8,373	217,827
2 Preliminary Engineering	37,992	36,600		36,600	1,392
3 Final Design	116,340	67,846		67,846	48,494
4 Right of Way	233,000	52,923	-	52,923	180,077
5 Construction	1,175,092	5,824		5,824	1,169,268
6 Construction Services	77,500			-	77,500
7 Third Party Agreements	58,800	14,136		14,136	44,664
8 Vehicles	145,076			-	145,076
9 Contingency				-	-
10 Total Current Budget	2,070,000	185,702	-	185,702	1,884,298

Phase Budget Detail

-11 Segments 500 & 700	24,625	2,903		2,903	21,722
12 Other Segments	208,375	50,020	-	50,020	158,355
13 Total Phase	233,000	52,923	-	52,923	180,077

Contract Budget

	Current Approved Contract Value (E)	Spent to Date (F)	Proposed Action (G)	Proposed Total Contract Value (H)
14 Contract Amount				-
15 Contingency				-
16 Total	0	0	0	-
17 Percent Contingency	0%	0%	0%	0%

- A Provisional budget based on estimates of historic costs to be allocated between the Initial Segment and Capital Hill. Upon completion of recoding costs to the current project structure, a finalized phase-level budget will be presented to the Board.
- B Commitments reflect total commitments for Central Link as estimated to be allocated between the Initial Segment and North Link together with all commitments currently under consideration by the Board. This provides a more conservative measure of uncommitted budget authority. Should all proposed actions not be exercised, then the uncommitted amount (column D) would be higher.
- 11 In accordance with Sound Transit policy, budgets for specific parcels will be discussed with Board members in executive session.

M/W/DBE – SMALL BUSINESS PARTICIPATION

N/A

HISTORY OF PROJECT

Sound Transit has been working with its partner agencies WSDOT and King County to accommodate light rail in the E-3 Busway Corridor between the southern end of the DSTT to South Forest Street. This is a complicated area with multiple ownerships and property restrictions. The three agencies have major construction projects planned for the area including the King County Ryerson Bus Base Expansion, the King County Central Base Expansion with employee parking garage and pedestrian bridge over the E-3 Busway, the WSDOT SR519

Intermodal Project Phase I and II and the Link light rail project with a deferred Royal Brougham Station and a Lander Station. The construction of these capital projects must be coordinated and scheduled to allow for their completion in an orderly manner.

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

Motion or Resolution Number	Summary of Action	Date of Action
R2000-13	Authorized the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Central Link Light Rail project E-3 Busway and Maintenance Base.	10/12/00

CONSEQUENCES OF DELAY

A delay in approving this agreement would postpone the submittal of the Full Funding Grant Agreement Application to the Federal Transit Administration for the funding of the initial segment.

REGIONAL PARTNERSHIP AND COOPERATION

Sound Transit has been working closely with its regional partners King County Metro and the Washington State Department of Transportation to negotiate these agreements to the mutual benefit of all parties.

PUBLIC INVOLVEMENT

N/A

LEGAL REVIEW

JDW 5/2/02

SOUND TRANSIT

MOTION NO. M2002-62

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to enter into an umbrella agreement with King County and the Washington State Department of Transportation to acquire property interests and allow Sound Transit to construct and operate the Link Light Rail alignment through the E-3 Busway corridor between the southern boundary of the Downtown Seattle Transit Tunnel and South Forest Street.

Background:

Sound Transit has been working with its partner agencies WSDOT and King County to accommodate light rail in the E-3 Busway Corridor between the southern end of the DSTT to South Forest Street. This is a complicated area with multiple ownership's and property restrictions. The three agencies have major construction projects planned for the area including the King County Ryerson Bus Base Expansion, the King County Central Base Expansion with employee parking garage and pedestrian bridge over the E-3 Busway, the WSDOT SR519 Intermodal Project Phase I and II and the Link Light Rail project with a deferred Royal Brougham Station and a Lander Station. The construction of these capital projects must be coordinated and scheduled to allow for their completion in an orderly manner.

Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to enter into an umbrella agreement with King County and the Washington State Department of Transportation to acquire property interests and allow Sound Transit to construct and operate the Link Light Rail alignment through the E-3 Busway corridor between the southern boundary of the Downtown Seattle Transit Tunnel and South Forest Street.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 23, 2002.



Ron Sims
Board Chair

ATTEST:



Marcia Walker
Board Administrator