

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2002-93**

**Memorandum of Agreement with Amtrak for Funding and Construction of the Everett  
Platform and Station Track**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	8/1/02	Discussion / Possible Action to Recommend Board Approval	Martin Minkoff, Sounder Director	(206) 398-5111
Board	8/8/02	Meeting Cancelled	<b>Val Batey, Sounder Project Manager</b>	(206) 398-5117
Board	8/22/02	Meeting Cancelled		
Executive Committee	9/5/02	Action		
Board	9/12/02	Ratification		

**OBJECTIVE OF ACTION**

- To allow Sound Transit to reimburse Amtrak the costs to construct commuter rail platform and station track for Sound Transit at Everett Station.

**ACTION**

- Authorizes the Executive Director to execute a Memorandum of Agreement (MOA) with Amtrak to reimburse them for the cost of construction of Sounder Commuter Rail elements at the Everett Station (commuter rail platform and station track) within the Burlington Northern Santa Fe right-of-way in the amount of \$660,000 and a 10% contingency of \$66,000 for a total authorized amount not to exceed \$726,000.

**KEY FEATURES**

- Authorizes the Executive Director to execute a Memorandum of Agreement with Amtrak for the funding and construction of the commuter rail platform and the station track at Everett Station.
- The MOA will allow Sound Transit to contract with Amtrak to provide construction services and to reimburse an amount not to exceed \$726,000 for construction of the Everett Station commuter rail platform and the station track.
- Authorizes Amtrak to construct necessary Sound Transit commuter rail improvements by separate agreement with the City of Everett, through a contract change order to be performed by the City of Everett's contractor, Wilder Construction.
- Amtrak will complete the remaining seven feet in width of the 720-foot long commuter rail platform and install a portion of the station track under its right-of-way agreement with BNSF.

## **BUDGET IMPACT SUMMARY**

**Project Description:** Everett Station Commuter Rail Platforms and Station Track

**Current Status:** Pending Board Action

**Projected Completion Date:** Fall 2002

<b>Action Outside of Adopted Budget:</b>	<b>Y/N</b>	<b>Y Requires Comment</b>
This Line of Business	N	
This Project	N	
This Phase	N	
This Task	N	
Budget amendment required	N	
<b>Key Financial Indicators:</b>	<b>Y/N</b>	<b>Y Requires Comment</b>
Contingency funds required	N	
Subarea impacts	N	
Funding required from other parties other than what is already assumed in financial plan	Y	Amtrak will fund cost of the construction of the Amtrak platform. Expenses in common (construction management, etc.) will be paid by each party on a prorated basis per the MOA.

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

## **BUDGET DISCUSSION**

The adopted budget for 2002 for Everett Station construction phase is \$13,273,000. Sound Transit has already committed \$4.3 million of this amount to the City of Everett for construction of street improvements and the south parking lot (Motion No. M2001-105). The amount remaining, \$8.1 million for 2002, is adequate to cover the cost of this construction (\$726,000) as well as the cost of construction for the remaining elements (440-car park-and-ride lot, pedestrian bridge, operations building, south lot pedestrian access) to be bid later in 2002, which is estimated to be approximately \$6.0 million.

## **REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS**

The proposed action is consistent with the current Board-adopted budget and is affordable within Sound Transit's current long-term financial plan and the subarea financial capacity.

Amtrak will take the lead in the construction of these improvements and fund their portion of the improvements.

## SUMMARY FOR BOARD ACTION

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

Action Item: MOA with Amtrak for Funding and Construction for the Everett Platform and Station Track

	Current Board Adopted Budget (A)	Commitments Plus Future Commitments (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	776	473	-	473	303
2 Pre-Engineering	1,487	1,487	-	1,487	-
3 Final Design	1,025	672	-	672	353
4 Right of Way	7,966	6,806	-	6,806	1,160
5 Construction	13,273	5,505	726	6,231	7,042
6 Contingency	1,416	60	-	60	1,356
7 Total Current Budget	25,943	15,003	726	15,729	10,214

### Phase Budget Detail

8 MOA with City of Everett	4,739	4,739	-	4,739	-
9 Phase I	4,100		726	726	3,374
10 Pedestrian Bridge	2,200			-	2,200
11 Miscellaneous	613	380		380	233
12 TVMs	496	342		342	154
13 Haz Mat	400			-	400
14 PA/CCTV/CMS	250			-	250
15 Construction Management	200			-	200
16 Signage	160	44	-	44	116
17 Demolition	100		-	-	100
18 Security Hut	15			-	15
19 Total Phase	13,273	5,505	726	6,231	7,042

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
20 TBD	-	-	660	660
21 Contingency	-	-	66	66
22 Total	-	-	726	726
23 Percent Contingency	N/A	N/A	N/A	10%

### Budget Shortfall

Level	\$ (J)	Potential Revenues (K)	Funding Source (L)
NA	-		

## M/W/DBE – SMALL BUSINESS PARTICIPATION

This action to execute an MOA would allow payment to Amtrak the Sound Transit portion of the cost of a contract change order to an existing contract between the City of Everett and Wilder Construction.

## HISTORY OF PROJECT

The Everett Station project is an original component of the Sound Move plan. It is intended to provide a nexus for local and regional bus service, Greyhound bus, and express package service, Amtrak Cascades and Empire Builder service, and Sounder commuter rail. The City of Everett enhanced the transit component by constructing a facility to house continuing education, employment counseling services, and a community gathering space. The Everett Station building, which opened to the public in February 2002, also houses ticketing counters, baggage handling, and offices for Greyhound and Amtrak.

Since 1999, Sound Transit and the City of Everett have been party to a MOA establishing a working relationship for the 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. Sound Transit also paid the City for the construction of the south parking lot, the fabrication of passenger shelters, windscreens and benches, as well as various on-site and off-site improvements required for construction (Motion No. M2001-105).

Originally, the City of Everett had planned to construct the Amtrak platform, the station track, and the complete commuter rail platform as part of the first phase of Everett Station construction. All these elements are located in the BNSF right-of-way. The right of entry for construction was not obtained from BNSF in a timely manner. Therefore, these elements were removed from the City's original construction contract to avoid the cost of delays, which would have increased the cost of construction considerably.

Sound Transit agreed to add these elements to its upcoming construction contract for the second phase of construction at Everett Station. Since then Amtrak learned that the budget it has for construction of the Amtrak platform is at risk if not obligated by the end of the federal fiscal year (September 30, 2002). Because Sound Transit plans to use federal New Starts funds for the projects in the Everett-Seattle corridor, Sound Transit cannot proceed with construction until the Federal Transit Administration (FTA) gives its approval. FTA approval is pending the completion of the concurrence process under the Endangered Species Act, which is tentatively scheduled for later this year. However, Sound Transit sought and received permission from FTA to proceed with the construction of the commuter rail platform and station track only, in advance of the ESA concurrence and Final Design Authority. FTA also requested that Sound Transit only use local funding for these elements. FTA does not concern itself with the Amtrak improvements.

Amtrak wishes to advance the construction of its platform to reduce the risk of losing its funding. To that end, Amtrak has reached an agreement with the City of Everett to add this work back in with a change order to the City's existing contract with Wilder Construction.

The design of the station track and the platforms is such that their construction must be closely coordinated in order to be cost effective. The foundations for the shelters, light poles and signs on the Amtrak platform must be excavated and poured before the station track bed can be prepared and the ties and tracks placed, then the concrete platforms can be formed and poured.

Since it is more cost effective to construct the platforms and station track together, Sound Transit staff recommend contracting with Amtrak to construct the commuter rail elements (station track and commuter rail platform) while Amtrak constructs its platform.

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

<b>Motion or Resolution No.</b>	<b>Summary of Action</b>	<b>Date of Action</b>
M2001-105	Sound Transit and the City of Everett agreed to Supplemental Agreement Number Two to the Everett Station MOA for cost sharing for commuter rail related elements constructed by the City at Everett Station.	10/25/01
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.	4/20/00
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.	2/11/99

### **CONSEQUENCES OF DELAY**

Sound Transit will lose the advantage of sharing in the costs of construction management and mobilization if Amtrak proceeds to construct their platform and Sound Transit has to come in afterwards and work around a completed, in-service platform.

### **REGIONAL PARTNERSHIP AND COOPERATION**

This is a continuation of the partnerships that have brought the Everett Station into being. The City of Everett's construction contract will be used to construct a facility to be used by Sound Transit and Amtrak.

### **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.

### **LEGAL REVIEW**

JDW 7/24/02

## SOUND TRANSIT

### MOTION NO. M2002-93

A motion of the Board of the Central Puget Sound Regional Transit Authority to authorize the Executive Director to execute a Memorandum of Agreement with Amtrak for cost reimbursement for the construction of Sounder Commuter Rail elements at the Everett Station (commuter rail platform and station track) within the Burlington Northern Santa Fe right-of-way in the amount of \$660,000 and a 10% contingency of \$66,000 for a total authorized amount not to exceed \$726,000.

#### Background:

The Everett Station project is an original component of the Sound Move plan. It is intended to provide a nexus for local and regional bus service, Greyhound bus, express package service, Amtrak Cascades and Empire Builder service, and Sounder commuter rail. The Everett Station building opened to the public in February 2002.

Originally, the City of Everett had planned to construct the Amtrak platform, the station track and the complete commuter rail platform as part of the first phase of Everett Station construction. All these elements are located in the Burlington Northern Santa Fe (BNSF) right-of-way. The right of entry for construction was not obtained from BNSF in a timely manner and these elements were removed from the City's original construction contract.


Amtrak has reached an agreement with the City of Everett to add this work back in with a change order to the City's existing contract with Wilder Construction. Since it is more cost effective to construct the platforms and station track together, Sound Transit staff recommends contracting with Amtrak to construct the commuter rail elements (station track and commuter rail platform) while Amtrak constructs its platform.

The adopted budget for 2002 for the Everett Station construction phase is \$12,433,000. Sound Transit has already committed \$4.3 million of this amount to the City of Everett for construction of street improvements and the south parking lot (Motion No. M2001-105). The amount remaining, \$8.1 million for 2002, is adequate to cover the cost of this construction. Amtrak will take the lead in the construction of these improvements and fund their portion of the improvements.

#### Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to execute a Memorandum of Agreement with Amtrak for cost reimbursement for the construction of Sounder Commuter Rail elements at the Everett Station (commuter rail platform and station track) within the Burlington Northern Santa Fe right-of-way in the amount of \$660,000 and a 10% contingency of \$66,000 for a total authorized amount not to exceed \$726,000.

ADOPTED by the Executive Committee on September 5, 2002 and ratified by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 12, 2002.

  
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Ron Sims  
Board Chair

ATTEST:

  
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Marcia Walker  
Board Administrator