

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2005-32

Environmental Mitigation for Sounder Everett to Seattle Corridor

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	3/17/05	Discussion/Possible Action	Agnes Govern, Director Capital Projects Chris Townsend, Senior Environmental Planner, Legal	(206) 398-5037 (206) 398-5135

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	✓
Interlocal Agreement		Contingency Funds (Budget) Required	
Purchase/Sale Agreement		Budget Amendment Required	

✓ *Applicable to proposed transaction.*

ACTION

Authorizes the Chief Executive Officer to execute a contract amendment with Herrera Environmental Consultants to provide additional environmental permitting and mitigation design services for Sounder Commuter Rail Everett to Seattle Third Commuter Rail Easement project in the amount of \$388,436, with a 10% contingency of \$38,844, for a new total authorized contract amount not to exceed \$769,900.

KEY FEATURES

- Adds scope to provide additional environmental permitting and mitigation project development services that are required as a result of a change in the project design drawings by Burlington Northern Santa Fe (BNSF) that increased marine impacts, increased freshwater wetland impacts in the third Commuter Rail Easement, and added 13 signals not shown in the Environmental Impact Statement (EIS).
- Adds scope and budget to provide archeological services for the fulfillment of a requirement in the Record of Decision for the project.
- This contract amendment is necessary in order to procure environmental permits according to the Joint Use Agreement (Agreement) signed by BNSF and Sound Transit on December 17, 2003.
- Original permit application materials were based on 30% design drawings, according to the terms of the Agreement. Sound Transit and BNSF decided not to submit completed permit applications, but rather revise the permit applications to the Corps of Engineers reflecting the revised design which will result in an estimated six-month schedule delay in obtaining the permits.

BUDGET IMPACT SUMMARY

Project Description: Permitting and Environmental Mitigation

Current Status: Design

Projected Completion Date: Third Quarter 2006 (estimated)

Action Outside of Adopted Budget:	Y/N	Y Requires Comment
This Line of Business	N	
This Project	N	
This Phase	Y	Funds are available from the final design phase of this project to cover the shortfall due to elimination of wetland mitigation effort that was budgeted in the final design phase.
This Task	Y	This action will result in a shortfall of \$220,592 for this task and phase. The current budget is based on permitting and mitigation as depicted at 30% design. Project changes and associated additional impacts were not accounted for in the budgeting process.
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 budget for the preliminary engineering phase of this project is \$683,000, of which, \$476,312 has been obligated. The new environmental impacts will require additional environmental review and the development of additional environmental mitigation. This action for \$427,280 to complete the permit acquisition process will result in a shortfall of \$220,592 for the phase.

Funding to cover the shortfall is available from the final design phase level budget. Funding from final design is available due to design changes by BNSF in Easement 4 that eliminated anticipated wetland impacts, specifically the Everett Wetland, Everett Estuary, and Deer Creek mitigation tasks that were budgeted in the final design phase. The overall budget for the Permitting and Environmental Mitigation Project is sufficient to cover the additional cost in the preliminary engineering phase without exceeding the total lifetime project budget.

To date, the Consultant has provided the services according to the original scope within the original cost estimate. This change request is due entirely to a change in the scope of work to be performed by the consultant.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted total project budget and is affordable within Sound Transit's current long-term financial plan and the subarea financial capacity, there is no impact to subarea affordability.

BUDGET TABLE

Action Item: Amend contract for permitting assistance services with Herrera for Sounder Commuter Rail Environmental Mitigation project (#131), \$s in thousands

	2005 Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	1,091	\$ 130	\$ -	\$ 130	\$ 961
Preliminary Engineering	683	476	427	904	(221)
Final Design	762	-	-	-	762
Right of Way	1,934	0	-	0	1,934
Construction	5,819	42	-	42	5,777
Contingency	-	-	-	-	-
Total Current Budget	10,288	\$ 649	\$ 427	\$ 1,076	\$ 9,212

Phase Budget Detail - Preliminary Engineering

Environmental Consultant, trestle	\$ 559	\$ 353	\$ 427	\$ 780	\$ (221)
Herrera on-call	79	79	-	79	0
Other	44	44	-	44	(0)
Total Phase	\$ 683	\$ 476	\$ 427	\$ 903	\$ (221)

Contract Budget	Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
Herrera Environmental Consultants	\$ 343	\$ 343	\$ 388	\$ 731
ST Contingency	-	-	\$ 39	39
Total	\$ 343	\$ 343	\$ 427	\$ 770
Percent Contingency	0%		10%	5%

Budget Shortfall

Level	Shortfall Amt (J)	Potential Funds (K)	Funding Source (L)
Preliminary Engr Phase	\$ (221)	\$ 348	Final Design Phase (amounts budgeted for Everett Wetland, Everett Estuary and Deer Creek efforts will be available to fund this shortfall)

Notes:

- (A) Project budget shown on page 93 in the Proposed 2005 budget book (adopted book is not available yet).
- (B) Committed to-date amount includes actual outlays and commitments through February 25, 2005.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

Herrera Environmental Consultants is the prime consultant for this contract. Herrera Environmental Consultants committed to a 40% M/W/DBE and Small Business participation goal. Subsequently, the scope of the project was reduced and changes were made to the schedule resulting in fewer subconsulting opportunities. Herrera submitted a Revised Business Participation Plan in October 2004 committing to a 25% M/W/DBE and Small Business participation goal. The revised plan was reviewed and accepted by contracts.

Actual M/W/DBE and Small Business participation to date is 27.4%. Herrera anticipates exceeding the 25% M/W/DBE and Small Business participation goal on the overall contract.

Utilization Breakdown Table

Subconsultant	Business Type	% of Work	Dollar Value
PacRim Geotechnical, Inc.	M/DBE	7.1%	\$ 52,513
Achievement Architects North	Small Business	0.3%	\$ 2,000
Springwood Associates, Inc.	MWBE/DBE	10.5%	\$ 76,638
True North Land Surveying, Inc.	W/DBE	7.2%	\$ 52,579
Northwest Archeological Associates, Inc.	W/DBE	4.3%	\$ 31,600
Anchor Environmental, Inc.	Small Business	3%	\$ 22,350
Total		32.4%	\$237,680

EEO Commitment

Herrera Environmental Consultants workforce demographics are 55% women and 11% minorities. Including all subconsultants, workforce demographics are 51% female and 17% minorities.

Apprentice Utilization Commitment

Not applicable for this action.

HISTORY OF PROJECT

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2004-66	Executed a contract with Herrera Environmental Consultants to provide permitting assistance services for Sounder Everett-to-Seattle corridor improvements in the amount of \$381,463 with a 10% contingency of \$38,146, for a total authorized contract amount not to exceed \$419,609.	7/15/04

BNSF has worked with Sound Transit to minimize or completely avoid environmental impacts associated with commuter rail easements two and four.

In August 2004, BNSF informed Sound Transit that environmental impacts associated with the Third Commuter Rail Easement would be more than depicted in the EIS. Sound Transit worked with BNSF to reduce the level of increased impacts. In December 2004 BNSF transmitted 90% plans to Sound Transit with a design that increased environmental impacts, but not as great as anticipated in August. Sound Transit is continuing to work with BNSF to further minimize impacts.

NOAA Fisheries, USFWS, the Tulalip Tribes, and Washington State Department of Ecology have agreed to partner with Sound Transit on a mitigation project in the Snohomish River Estuary.

Snohomish County Parks and Surface Water Management have worked with Sound Transit to identify a potential mitigation project for the additional environmental impacts at Meadowdale Park.

CONSEQUENCES OF DELAY

A delay beyond March 17, 2005, will result in a week for week delay in the acquisition of environmental permits for the Third Commuter Rail Easement which may result in the delay of service implementation for the third and fourth commuter rail trains between Everett and Seattle. The Agreement does not allow implementation of the fourth train before the third.

PUBLIC INVOLVEMENT

Not applicable for this action.

LEGAL REVIEW

JW 3/3/05

SOUND TRANSIT

MOTION NO. M2005-32

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute a contract amendment with Herrera Environmental Consultants to provide additional environmental permitting and mitigation design services for Sounder Commuter Rail Everett to Seattle Third Commuter Rail Easement project in the amount of \$388,436, with a 10% contingency of \$38,844, for a new total authorized contract amount not to exceed \$769,900.

Background:

Adds scope to provide additional environmental permitting and mitigation project development services that are required as a result of a change in the project design drawings by Burlington Northern Santa Fe (BNSF) that increased marine impacts, increased freshwater wetland impacts in the third Commuter Rail Easement, and added 13 signals not shown in the Environmental Impact Statement (EIS).

Adds scope and budget to provide archeological services for the fulfillment of a requirement in the Record of Decision for the project.

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Motion:

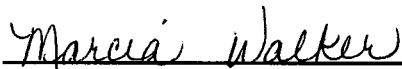
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to execute a contract amendment with Herrera Environmental Consultants to provide additional environmental permitting and mitigation design services for Sounder Commuter Rail Everett to Seattle Third Commuter Rail Easement project in the amount of \$388,436, with a 10% contingency of \$38,844, for a new total authorized contract amount not to exceed \$769,900.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority
at a regular meeting thereof held on March 17, 2005.



Kevin R. Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator