

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2007-25

**Amendment to the Transportation Improvement Agreement
with the City of Kent**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	2/15/07	Discussion/Possible Action	Martin Minkoff, Sr. Manager, Special Projects	(206) 398-5111

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	✓
Agreement with Other Jurisdiction(s)	✓	Budget Amendment	
Real Estate		Property Acquisition	

PROJECT NAME

Sounder Commuter Rail – Kent Station

PROPOSED ACTION

Authorizes the chief executive officer to execute a third amendment to the Transportation Improvement Agreement with the City of Kent.

KEY FEATURES OF PROPOSED ACTION

- The amendment to the Transportation Improvement Agreement (TIA) clarifies the division of third-party funding for improvements constructed by the City of Kent (City).
- It would enable the City to reimburse Sound Transit \$76,063 pursuant to the third-party funding provision.
- It provides the City with additional time to complete one improvement on 1st Avenue North while the City considers an alternative treatment for that section of roadway that could be mutually beneficial.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

The City of Kent and Sound Transit entered into a Transportation Improvement Agreement (TIA) in 1999 to address various transportation improvements required by the City as part of the Conditional Use Permit for the development of the Sound Transit Commuter Rail Station in Kent. The TIA was later amended on May 12, 2000 and June 18, 2003 to clarify the scope and timing of the work for the various improvements and to resolve payment and other obligations of the parties.

The City has since completed all of the improvements required under the agreement, except for one project for half-street improvements on 1st Avenue North. The city is currently exploring an alternative treatment for this section of 1st Avenue North that may be of mutual benefit to the City and Sound Transit. This amendment to the TIA will allow the street improvements to 1st Avenue North to be delayed until June 30, 2008. This delay will spare the City the expense of constructing, then potentially removing these 1st Avenue North improvements if they decide to proceed with an alternative configuration of the street and new adjacent improvements.

The 2003 amendment to the TIA also contemplated the City sharing in third-party contributions to the transportation improvements that were ultimately constructed by the City. This amendment to the TIA clarifies the City's third-party contribution sharing responsibilities under the 2003 TIA amendment. Upon execution of this agreement, Sound Transit will receive \$76,063 as its share of third-party funding.

Prior Board/Committee Actions on this Project

Motion/Resolution Number and Date	Summary of Action
M2003-51 5/1/03	Authorized the Executive Director to execute the Second Amendment to the Transportation Improvement Agreement with the City of Kent for the purpose of delegating the task of completing all remaining street and traffic improvements around the Kent Commuter Rail Station in accordance with, and in satisfaction of all street and traffic improvement mitigation as provided in Sound Transit's Conditional Use Permit for the Kent Commuter Rail Station for \$1,376,000, including \$914,000 as a credit and a \$462,000 payment from Sound Transit.
M2002-83 6/27/02	Increased the contract contingency with PCL Construction Company for Phase 2A On-Site Work for a total authorized amount not to exceed \$3,961,000.
M2002-81 6/27/02	Increased the contract contingency with Active Construction for Phase 2C Street Improvements for a total authorized amount not to exceed \$460,180.
M2002-39 4/4/02	Executed Contract No. RTA/CR 06-02 with Active Construction for Phase 2C Street Improvement for a total authorized amount not to exceed \$361,570.
M2001-48 5/24/01	Increased the Kent Commuter Rail Station budget by \$1,120,000, adding \$2,060,000 to the contract contingency fund for Contract No. RTA/CR 103-00 with PCL Construction Company for construction of the Kent Commuter Rail Station Parking Garage for an additional 5 th level of parking, contingent upon executing the necessary agreements with King County to provide \$2,120,000 for parking garage construction.
M2001-85 9/6/01	Executed Contract No. RTA/CR 19-01 with PCL Construction for Kent Station Phase 2A On-Site Work for a total authorized amount not to exceed \$3,861,000.
R2001-10 8/9/01	Authorized a Cost-to-Complete budget for Sounder Commuter Rail Tacoma-to-Seattle corridor. Kent Station: \$34,398,000.
M2000-95 10/26/00	Executed Contract No. 100-00 with PCL Construction for the design and construction of the Kent Commuter Rail Station Parking Garage to a total amount not to exceed \$7,993,445.
R99-20 8/26/99	Executed an agreement with the City of Kent for design and potential development of a parking garage for the Kent Commuter Rail Station.
M98-90 12/10/98	Selected Site 1 for Kent Commuter Rail Station Parking Garage.
M98-73 10/22/98	Designated a preferred site for the parking garage and directed staff to finalize environmental review of the parking garage.

CONSEQUENCES of DELAY

The proposed amendment is scheduled to go before the Kent City Council on February 20, 2007. Approval of this action would allow the City of Kent and Sound Transit to complete the work stated in the Agreement as soon as possible.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SK 2/1/07

LEGAL REVIEW

JW 2/6/07

SOUND TRANSIT

MOTION NO. M2007-25

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a third amendment to the Transportation Improvement Agreement with the City of Kent.

Background:

The City of Kent and Sound Transit entered into a Transportation Improvement Agreement (TIA) in 1999 to address various transportation improvements required by the City as part of the Conditional Use Permit for the development of the Sound Transit Commuter Rail Station in Kent. The TIA was later amended on May 12, 2000 and June 18, 2003 to clarify the scope and timing of the work for the various improvements and to resolve payment and other obligations of the parties.

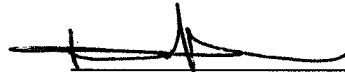
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Motion:

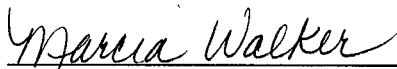
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a third amendment to the Transportation Improvement Agreement with the City of Kent.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 15, 2007.



Fred Butler
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator