

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2008-87

**Sound Transit and Washington State Department of Transportation
Funding and Cooperative Agreement for M Street to Lakewood Track and Signal**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	9/18/08	Discussion/Possible Action to Recommend Board Approval	Jim Edwards, Capital Projects Director	(206) 398-5436
Board	9/25/08	Action	Eric Beckman, Rail Program Manager Jodi Mitchell, Project Manager	(206) 398-5251 (206) 398-5080

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

M Street-to-Lakewood Track & Signal Project

PROPOSED ACTION

Authorizes the chief executive officer to execute a cooperative and funding agreement with the Washington State Department of Transportation for an amount not to exceed \$9.5 million. WSDOT will reimburse Sound Transit to incorporate elements of WSDOT's Point Defiance Bypass Project in the Sounder M Street-to-Lakewood Track & Signal Project construction package.

KEY FEATURES of PROPOSED ACTION

- Cooperative and Funding Agreement between the Washington State Department of Transportation (WSDOT) and Sound Transit for the construction of track improvements in support of the Sounder Lakewood extension and WSDOT's Point Defiance Bypass Project.
- The WSDOT \$9.5 M contribution will fund the following:
 - Segments of track and signal improvements between 66th Street in Tacoma and Bridgeport Way in Lakewood.
 - Property rights acquisitions that include three billboards on the railroad right of way.
 - Project related costs associated with protecting or relocating public and private utilities on the railroad right of way.

BUDGET IMPACT SUMMARY

Current Project Phase: Final Design
Projected Completion Date: 2010

There is no action outside of the Board-adopted budget; there are no contingency funds required, and no subarea impacts.

BUDGET and FINANCIAL PLAN DISCUSSION

The Adopted 2008 Budget for this project is \$73,601,367 with a construction phase budget of \$40,598,291. It is expected that the Proposed 2009 project budget will be increased by \$5 million for an increase in Sound Transit construction costs for the project.

The proposed action is to authorize a cooperative and funding agreement with WSDOT for payment of up to \$9.5 million to Sound Transit for the work outlined above, which is an addition to Sound Transit's scope of work. These funds will be a new revenue contribution to the Pierce County subarea and will not be included in the project budget.

BUDGET TABLE

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

Project: 130 - M Street - Lakewood Track & Signal

	2008 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 3,373	\$ 3,373	\$ -	\$ 3,373	\$ -
2 Preliminary Engineering	\$ 1,495	\$ 1,500	\$ -	\$ 1,500	\$ (5)
3 Final Design	\$ 3,776	\$ 3,009	\$ -	\$ 3,009	\$ 767
4 Right of Way	\$ 12,187	\$ 11,586	\$ -	\$ 11,586	\$ 601
5 Construction	\$ 40,598	\$ 4,989	\$ -	\$ 4,989	\$ 35,610
6 Vehicles	\$ 9,891	\$ 8,953	\$ -	\$ 8,953	\$ 938
7 Contingency	\$ 2,280	\$ -	\$ -	\$ -	\$ 2,280
8 Total Current Budget	\$ 73,601	\$ 33,411	\$ -	\$ 33,411	\$ 40,191

Notes:

¹ Project budget is located on page 116 of the Adopted 2008 Budget book. The 2008 Budget was adopted by the Board on November 29, 2007.

² Committed to date amount includes actual outlays and commitments through June 30, 2008.

SMALL BUSINESS PARTICIPATION

Not applicable for this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Sound Transit owns a rail line that extends from Tacoma south through Lakewood and Fort Lewis to Nisqually Junction, just north of the Pierce/Thurston County Line. The rail line is currently used by Tacoma Rail, which holds the freight easement for operation of its freight trains and by BNSF, through a trackage rights agreement with Tacoma Rail. The rail line has many at-grade highway-rail grade crossings in the Cities of Tacoma and Lakewood as well as in unincorporated Pierce County. The right of way also hosts a number of above-ground and underground utilities and advertising billboards.

Sound Transit's Sounder commuter rail service currently operates from Everett to Seattle, and from Seattle to Tacoma. Sound Transit has planned to construct improvements on the Tacoma to Nisqually rail line for Sounder commuter rail service to be extended from Tacoma to Lakewood. WSDOT is a chief sponsor of Amtrak intercity passenger rail service between Seattle and Portland, Oregon. The scope of the Sound Transit improvements does not fully accommodate the use of the rail line by Amtrak trains.

WSDOT, in consultation with Sound Transit, Amtrak and BNSF, has planned to use Sound Transit's right of way to bypass BNSF's slower and more congested rail line around Point Defiance and along Puget Sound. WSDOT developed a scope which exceeds Sound Transit's planned scope to accommodate the use of the rail line by Amtrak trains, Sounder trains, and the existing freight trains. Amtrak's use of the right of way will also improve freight rail service around Point Defiance and improve Amtrak's passenger rail service through the Puget Sound region.

In 2005, and again in 2007, the Washington state legislature appropriated funds to WSDOT for "Tacoma – Bypass of Pt. Defiance." RCW 47.79.070 authorizes WSDOT to expend these funds provided: (1) the expenditure is directly related to public benefit of the state's intercity passenger rail service; and (2) WSDOT enters into a contract with the affected real property owner to secure the public's investment. Both Sound Transit and WSDOT have determined that it is in the public interest for Sound Transit to construct the additional WSDOT scope in conjunction with construction with its own planned improvements.

Sound Transit will take all steps necessary to design and construct the improvements and WSDOT will reimburse Sound Transit for the WSDOT costs incurred during the construction project. To extend Sounder to South Tacoma and Lakewood Stations, Sound Transit will be reconstructing seven miles of the Lakeview Subdivision tracks, installing a new signal system, and upgrading crossings from M Street in Tacoma to Bridgeport Way in Lakewood. This project will be constructed with the WSDOT Point Defiance Bypass project as one contract. Sound Transit and WSDOT will each bear the costs of their respective project. Either party may terminate the agreement if the lowest responsive responsible bidder's bid exceeds the amount that each party has available for funding.

The improvements identified in this staff report have received appropriate environmental documentation and approval. WSDOT completed environmental documentation for the Point Defiance By-Pass project in April 2008. This consisted of a NEPA Documented Categorical Exclusion approved by the Federal Highway Administration. Sound Transit and FTA completed

environmental documentation for the Lakewood to Tacoma Commuter Rail Project in May 2002. The FTA issued a Record of Decision on December 30, 2002. This was supplemented by a NEPA Reevaluation to the 2002 EIS, approved by FTA on February 21, 2007.

CONSEQUENCES of DELAY

A two week delay in Board action would not create adverse impacts.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SSK 8-13-08

LEGAL REVIEW

JW 8/28/08

SOUND TRANSIT

MOTION NO. M2008-87

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a cooperative and funding agreement with the Washington State Department of Transportation for an amount not to exceed \$9.5 million. WSDOT will reimburse Sound Transit to incorporate elements of WSDOT's Point Defiance Bypass Project in the Sounder M Street-to-Lakewood Track & Signal Project construction package.

Background:

Sound Transit owns a rail line that extends from Tacoma south through Lakewood and Fort Lewis to Nisqually Junction, just north of the Pierce/Thurston County Line. The rail line is currently used by Tacoma Rail, which holds the freight easement for operation of its freight trains and by BNSF, through a trackage rights agreement with Tacoma Rail. The rail line has many at-grade highway-rail grade crossings in the Cities of Tacoma and Lakewood as well as in unincorporated Pierce County. The right of way also hosts a number of above-ground and underground utilities and advertising billboards.

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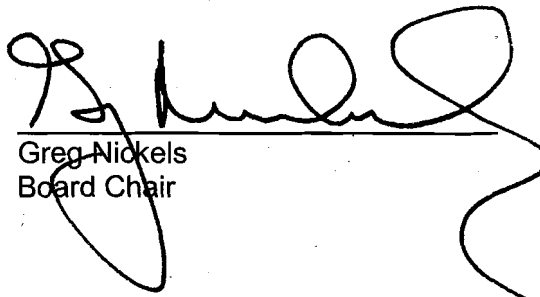
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Motion:


It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a cooperative and funding agreement with the Washington State Department of Transportation for an amount not to exceed \$9.5 million. WSDOT will reimburse Sound Transit to incorporate elements of WSDOT's Point Defiance Bypass Project in the Sounder M Street-to-Lakewood Track & Signal Project construction package.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 25, 2008.



Greg Nickels
Board Chair

ATTEST:



Marcia Walker
Board Administrator