



MOTION NO. M2010-43

Utility Relocation Cost Reimbursement Agreements with City of Tacoma

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	4/8/10	Recommendation to Board	Ahmad Fazel, DECM Executive Director	(206) 398-5389
Board	4/22/10	Final Action	Mark Johnson, Project Manager	(206) 398-5192

PROPOSED ACTION

Authorizes the chief executive officer to negotiate and execute four cost reimbursement agreements with the City of Tacoma to relocate utilities in connection with the D Street-to-M Street Track & Signal Project. Sound Transit will reimburse the City of Tacoma a total estimated amount of \$2,010,000 to relocate utilities located in the City's right of way and the City of Tacoma will reimburse Sound Transit a total estimated amount of \$640,000 for betterments.

KEY FEATURES

- Sound Transit entered into the Project Development Agreement, Right of Use Agreement, and Master Utilities License Agreement with the City of Tacoma on November 12, 2009. Those agreements define responsibilities for elements of the project. The Project Development Agreement addresses the relocation of utilities that conflict with the project's design and governs the use of Sound Transit and City of Tacoma rights of way.

- Agreements that provide for Sound Transit to reimburse the City of Tacoma

Sound Transit is required to reimburse the City for the relocation costs of public utilities in the City right of way. Two of the proposed agreements address utilities located in the City right of way. Under both agreements, Sound Transit will perform the work associated with the relocation of the City's utilities and will reimburse the City of Tacoma for the design, inspection and connection transfer work to reconnect the utilities.

- The estimated amount that Sound Transit will reimburse the City per the Utility Relocation Cost Reimbursement Agreement for Tacoma Public Utilities - Water Division, Distribution Section is \$410,000. The final reimbursement amount will cover the City's actual costs for design, inspection and connection transfer.
- The estimated amount that Sound Transit will reimburse the City per the Utility Relocation Cost Reimbursement Agreement for Tacoma Public Utilities – Power Division is \$1,600,000. The final reimbursement amount will cover the City's actual costs for design, inspection and connection transfer.

- Agreements that provide for the City of Tacoma to reimburse Sound Transit for betterments

Two of the proposed agreements include betterments for which the City of Tacoma will reimburse Sound Transit.

- The Utility Relocation Cost Reimbursement Agreement for Tacoma Public Utilities - Water Division, Transmission Section provides for the City of Tacoma to reimburse Sound Transit to relocate water transmission facilities in the railroad right of way that is owned by Sound Transit. The estimated cost of the work is \$550,000. The final reimbursement amount will cover Sound Transit's actual costs for design coordination and the construction services.
- The Utility Reimbursement Agreement for Tacoma Public Utilities Click! Network Division addresses relocation of utilities away from the project and provides for Click! to reimburse Sound Transit the cost to install conduit and vaults into a joint trench in the City's right of way. Click! will perform inspection and transfer work to reconnect the relocated utilities, and will reimburse Sound Transit for

the ductwork and the vaults installed by Sound Transit and a portion of the cost of the joint trenching,. The estimated amount that the City will reimburse Sound Transit is \$90,000. The final reimbursement amount will cover Sound Transit's actual costs for the design coordination and construction services.

PROJECT DESCRIPTION

The D Street-to-M Street Track & Signal Project designs and constructs a connection between the Tacoma Dome Station and the Sound Transit railroad right-of-way (the Lakeview Subdivision Line) beginning at the South Tacoma Avenue overpass. The Board selected an alignment in December 2007 that provides grade-separation at Pacific Avenue.

FISCAL INFORMATION

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

Project: 135 - D Street - M Street Track and Signal

	2010 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	\$ 8,894	\$ 8,894	\$ -	\$ 8,894	\$ -
Preliminary Engineering	\$ 1,725	\$ 1,726	\$ -	\$ 1,726	\$ (1)
Final Design	\$ 14,364	\$ 12,390	\$ -	\$ 12,390	\$ 1,974
Right of Way	\$ 50,123	\$ 36,209	\$ -	\$ 36,209	\$ 13,914
Construction	\$ 71,119	\$ 6,612	\$ 2,010	\$ 8,622	\$ 62,497
Vehicles	\$ 8,953	\$ 8,953	\$ -	\$ 8,953	\$ -
Contingency	\$ 6,401	\$ -	\$ -	\$ -	\$ 6,401
Total Current Budget	\$ 161,581	\$ 74,785	\$ 2,010	\$ 76,795	\$ 84,785

Phase Budget Detail

Construction	\$ 56,100	\$ -	\$ -	\$ -	\$ 56,100
Misc. Activity	\$ 15,019	\$ 6,612	\$ 2,010	\$ 8,622	\$ 6,397
Total Phase	\$ 71,119	\$ 6,612	\$ 2,010	\$ 8,622	\$ 62,497

Contract Budget	Current Approved Contract Value (F)	Committed To Date ² (G)	Proposed Action (H)	Proposed Total Contract Value (I)
City of Tacoma	\$ -	\$ -	\$ 2,010	\$ 2,010
Contingency	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$ -	\$ 2,010	\$ 2,010
Percent Contingency	0%	0%	0%	0%

Notes:

¹ Project budget is located on page 63 of the Proposed 2010 Transit Improvement Plan budget book.

² Committed to date amount includes actual outlays and commitments through February 28, 2010.

SMALL BUSINESS INFORMATION

Not applicable for this action.

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable for this action.

BACKGROUND

Sound Transit completed the 100% design for the D Street-to-M Street Track & Signal Project in November 2009. Sound Transit and the City of Tacoma have worked together to address the Tacoma Public Utility power, water, and telecommunications conflicts in both the Sound Transit-owned railroad right of way and the City of Tacoma right of way. The estimated reimbursement amounts were developed from engineering designs and associated engineer's estimates. However, each agreement requires reimbursement of the actual costs incurred; the agreements also allow adjustment of the reimbursement amounts if either party requests a change in the design or upon the discovery of unanticipated conditions.

ENVIRONMENTAL COMPLIANCE

- Environmental documentation and approvals required under NEPA (National Environmental Policy Act) and SEPA (State Environmental Policy Act) have been completed.
- Sound Transit and the Federal Transit Administration (FTA) issued a Final EIS for the Lakewood to Tacoma Commuter Rail project in May 2002.
- FTA approved a Record of Decision (ROD) in December 2002.
- In 2007 FTA approved a NEPA Reevaluation and Sound Transit issued a SEPA Addendum for the revised D-to-M Street alignment (Modified Alternative 3) which is the project to be constructed.

SK 3-16-10

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2009-98 – Authorized the chief executive officer to execute three agreements with the City of Tacoma: Master Utilities Licensing Agreement, the Right of Use Agreement, and the D-to-M Street Track & Signal Project Development Agreement, and to execute all other subsequent agreements with the City of Tacoma as may be necessary to implement these agreements, for a total authorized expenditure not to exceed \$1,212,349.

Motion R2009-24 – Adopted a Scope Control Policy and superseding Motion No. M2002-121.

Motion M2002-121 – Adopted a Scope Control Policy to help guide Sound Transit staff in responding to partner's requests for enhancements to projects and authorize the Executive Director to take necessary steps to implement the policy.

TIME CONSTRAINTS

The Tacoma D Street-to-M Street Track & Signal Project is scheduled to advertise the Invitation to Bid in late April 2010. A delay in approval of the agreements beyond May 2010 may delay the issuance of Notice to Proceed to the construction contractor.

PUBLIC INVOLVEMENT

Not applicable for this action.

LEGAL REVIEW

BN 3/31/10

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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to negotiate and execute four cost reimbursement agreements with the City of Tacoma to relocate utilities in connection with the D Street-to-M Street Track & Signal Project. Sound Transit will reimburse the City of Tacoma a total estimated amount of \$2,010,000 to relocate utilities located in the City's right of way and the City of Tacoma will reimburse Sound Transit a total estimated amount of \$640,000 for betterments.

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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 negotiate and execute four cost reimbursement agreements with the City of Tacoma to relocate utilities in connection with the D Street-to-M Street Track & Signal Project. Sound Transit will reimburse the City of Tacoma a total estimated amount of \$2,010,000 to relocate utilities located in the City's right of way and the City of Tacoma will reimburse Sound Transit a total estimated amount of \$640,000 for betterments.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 22, 2010.



Aaron Reardon
Board Chair

ATTEST:



Marcia Walker
Board Administrator