

MOTION NO. M2012-29

Memorandum of Agreement with the Port of Seattle for the South Link – Airport to South 200th Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	05/10/12	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	06/28/12	Final Action	Rod Kempkes, Sr. Civil Engineer Miles Haupt, South Link Project Director	206-398-5374 206-370-5501

PROPOSED ACTION

Authorizes the chief executive officer to execute a Memorandum of Agreement with the Port of Seattle for the development of the South Link – Airport to South 200th Project on Port property; and to execute all other subsequent agreements that may be necessary to implement this agreement in an amount not to exceed \$9,397,792.

KEY FEATURES

- The proposed Memorandum of Agreement (MOA) between Sound Transit and the Port of Seattle (Port) provides the overall framework and assigns responsibilities for the design and construction of the South Link – Airport to South 200th Project (the South Link Project) elements that will be located on Port property. The agreement specifies terms for the use of Port property, the purchase and sale of real property interests, and the compensation approach for design review and construction support services to be provided by the Port.
- Sound Transit and the Port have worked collaboratively to integrate the South Link Project into the Port's future South Access Project roadway design. Key elements addressed in the MOA include:
 - Property transfers
 - Future impacts to the Port's South Access Project
 - Construction packaging
 - Design review and construction support
 - Requirements related to fire safety, security, hazardous materials and stormwater management
- The Port of Seattle Commission is scheduled to consider the MOA on May 22, 2012.
- Authority for expenditures beyond those specifically committed under this action are subject to Board approval.

PROJECT DESCRIPTION

The South Link – Airport to South 200th Street project will extend light rail from SeaTac/Airport Station to South 200th Street. The project will extend light rail approximately 1.6 miles beyond the existing interim southern terminus at the SeaTac/Airport Station. The design features an elevated light rail guideway. The station also includes a park-and-ride facility with long term capacity of approximately 700 stalls and an interim capacity of up to 1,100 stalls while the South 200th Station is a temporary southern terminus of the Link system, on-street bus pullouts at the station, an off-street kiss and ride drop-off area, secured bicycle parking, and improved pedestrian and bicycle

connections in the station vicinity. The project is being accelerated through a design/build project delivery approach in order to complete the project by 2016.

FISCAL INFORMATION

This action is within the adopted budget and sufficient monies remain after approval of this action to fund the remaining work in these phases as contained in the current cost estimates.

Project Budget

South Link-Airport to S 200th	2012 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	16,064	2,986		2,986	13,078
Preliminary Engineering	5,878	5,746		5,746	132
Final Design	20,005	4,238		4,238	15,767
Right of Way	43,549	13,296	4,698	17,994	25,555
Construction	275,725	1,601	1,825	3,426	272,299
Construction Services	15,135	-	275	275	14,860
Third Party Agreements	6,885	946	2,600	3,546	3,339
Vehicles	-	-		-	-
Total Current Budget	383,241	28,813	9,398	38,211	345,030
Phase Detail - Right of Way					
Right of Way	43,549	13,296	4,698	17,994	25,555
Total Phase	43,549	13,296	4,698	17,994	25,555
Phase Detail - Construction					
Utility Relocation by Others	2,000	-	675	675	1,325
Misc Construction / Mitigation	5,963	-	1,150	1,150	4,813
Other Construction	267,762	1,601	-	1,601	266,161
Total Phase	275,725	1,601	1,825	3,426	272,299
Phase Detail - Construction Svcs					
CM Civil / Systems	14,320	-	275	275	14,045
Other Construction Services	815	-	-	-	815
Total Phase	15,135	-	275	275	14,860
Phase Detail - Third Party Agrmts					
Port of Seattle	3,037	466	2,600	3,066	(29)
Other Third Party	3,079	429	-	429	2,649
Third Party Unallocated Contingency	769	50	-	50	719
Total Phase	6,885	946	2,600	3,546	3,339
Contract Detail					
	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval	
Contract Amount	-	-	9,398	9,398	
Contingency	-	-	-	-	
Total	-	-	9,398	9,398	
Percent Contingency	0%	0%	0%	0%	
Budget Shortfall	29				
Third Party Unallocated Contingency	29				
Total Funding	29				

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

Project Budget is located on page 44 of the 2012 Transit Improvement Plan (TIP).

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action.

BACKGROUND

In September 2010, the Sound Transit Capital Committee approved a contract with Huitt-Zollars, Inc. to refine the preliminary engineering work done under the Sound Move program to allow consideration of accelerating the extension to South 200th Street as early as 2015, subject to satisfactory resolution of the financial impacts of such acceleration. The revisions to the project resulting from the design refinement were addressed in a NEPA re-evaluation and SEPA addendum issued by Sound Transit in July 2011.

On July 28, 2011, the Sound Transit Board adopted the South Link project baseline scope, schedule, and budget for extension of Link light rail to South 200th Street by September 2016, four years earlier than contemplated in the ST2 Plan. The major elements of the project, the aerial guideway and station, are planned to be delivered using a design-build contract which is scheduled to begin in September 2012.

The proposed MOA is consistent with the terms and conditions established in the term sheet signed by Sound Transit and the Port in February 2012, and provides the overall framework for the design and construction of the South Link project across Port property. Key elements addressed in the MOA include the following:

Property Transfers: The Port will convey permanent property rights to Sound Transit for the construction, operation, and maintenance of Link facilities on Port property. The Agreement satisfies Federal Transit Administration (FTA) continuing control requirements. Sound Transit will compensate the Port for acquired property rights in the amount equal to one half of the value of these rights. The Port will also convey three parcels of land to Sound Transit near the South 200th Street Station. Sound Transit will convey to the Port permanent property rights that the Port needs for future construction of its South Access roadway project on a parcel of land which was acquired by Sound Transit in 2009 (this acquisition was authorized by the Board under Resolution No. R2006-01) to preserve the alignment alternative identified in the environmental process that was cooperatively identified by the Port and Sound Transit. The proposed action would authorize net expenditures up to \$4,697,792 by Sound Transit to compensate the Port for property rights and parcels conveyed to Sound Transit. This amount incorporates Port compensation to Sound Transit for property rights conveyed to the Port under this Agreement.

Future Impacts to the Port's South Access Project: Under the Agreement, Sound Transit will pay the Port \$1,150,000 as true and full consideration for the loss in value from the loss in parking at the Delta Maintenance Facility property and the cost of future utilities relocation resulting from the coordinated alignment of the South Link Project with the Port's future South Access roadway project. The compensation of loss in property value is included in the net expenditures for property transfers noted above.

Construction Packaging: The Agreement defines the scope and schedule for two construction contract packages that have been defined to deliver the South Link project across Port property. For each contract package, the Agreement assigns roles and responsibilities to the parties, as summarized below:

- The Port will procure, administer, and manage the relocation of certain critical Port-owned utilities in advance of the design-build elevated guideway construction (Contract #1). The proposed action authorizes Sound Transit expenditures in an amount up to \$950,000 to compensate the Port for its costs in performing this work, including direct construction costs (\$675,000) and construction management/contract administration (\$275,000).
- Sound Transit will procure, administer and manage the design-build contract for the elevated LRT guideway between the SeaTac/Airport Station and South 200th Street (Contract #2).

Design Review and Construction Support: The Agreement establishes the approach to compensate the Port for its costs to provide design review and construction support services for the elements of the South Link Project included in Contract #2. Under the proposed action, Sound Transit's financial commitment for such services shall not exceed \$2,600,000.

Fire and Police: This Agreement defines fire safety and security requirements for the design and construction of the South Link Project on Port property.

Hazardous Materials and Stormwater: The Agreement assigns responsibilities regarding the disposal and treatment of hazardous materials disturbed during construction and establishes thresholds and procedures for the management of stormwater during construction and light rail operations.

ENVIRONMENTAL COMPLIANCE

Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) for Airport Link was completed with the Central Link Final Environmental Impact Statement (EIS) issued in November 1999, the Tukwila Freeway Route Final Supplemental EIS issued in November 2001, Airport Link Environmental Assessment/SEPA Addendum (EA) on May 26, 2005, and a NEPA Re-evaluation and SEPA Addendum to the EA (July 2011). The FTA issued a Record of Decision for Airport Link on September 13, 2005.

JI 4/20/2012

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2011-05: (1) Accelerated the South Link – Airport to South 200th Street Project and established a project completion schedule milestone of September 2016; (2) approved Gates 4 and 5 within Sound Transit's Phase Gate system; (3) amended the Project Lifetime Budget to increase it by \$341,849,600, from \$41,391,400 to \$383,241,000; and (4) amended the Adopted 2011 Annual Project Budget to increase it by \$500,829, from \$11,338,347 to \$11,839,175.

TIME CONSTRAINTS

A one month delay would not create a significant impact to the project schedule.

PUBLIC INVOLVEMENT

Not applicable to this action.

LEGAL REVIEW

JW 05/03/12

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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a Memorandum of Agreement with the Port of Seattle for the development of the South Link – Airport to South 200th Project on Port property; and to execute all other subsequent agreements that may be necessary to implement this agreement in an amount not to exceed \$9,397,792.

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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 Memorandum of Agreement with the Port of Seattle for the development of the South Link – Airport to South 200th Project on Port property; and to execute all other subsequent agreements that may be necessary to implement this agreement in an amount not to exceed \$9,397,792.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 28, 2012.


Julia Patterson
Board Vice Chair

ATTEST:


Marcia Walker
Board Administrator