

MOTION NO. M2012-40**Development and Transitway Agreement with the City of SeaTac for the South Link – Airport to South 200th Street Project**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	06/14/12	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	06/28/12	Final Action	Miles Haupt, Project Director Rod Kempkes, Senior Civil Engineer	206-370-5501 206-398-5374

PROPOSED ACTION

Authorizes the chief executive officer to (1) execute a Development and Transitway Agreement with the City of SeaTac for the South Link – Airport to South 200th Street Project, specifying the terms and conditions for development of the project from SeaTac/Airport Station to South 200th Street, and establishing the use of City of SeaTac public right-of-way, and (2) to execute all other subsequent agreements with the City of SeaTac as may be necessary to implement this Agreement for a total authorized expenditure not to exceed \$3,442,300.

KEY FEATURES

- The proposed Development and Transit Way Agreement (Agreement) defines the specific development standards and permitting conditions for the South Link – Airport to South 200th Project (South Link Project) located within the City of SeaTac's jurisdiction.
- The Agreement:
 - Establishes a permanent, non-exclusive right to Sound Transit for the use of City of SeaTac right-of-way for light rail transit
 - Defines the capital improvements to be provided by Sound Transit along City of SeaTac streets and sidewalks to increase accessibility and safety in the South 200th Street station area
 - Provides for reimbursement to the City for the cost of technical peer reviews and structural design reviews not covered by permit fees and expedited permit reviews to support the design-build delivery of the South Link Project.
 - Requires Sound Transit to meet City requirements for traffic management, fire safety, and security
- The total amount of direct payments to the City authorized under this Agreement is \$3,442,300. Authority for direct payments to the City beyond those specifically committed under this action are subject to Board approval. Commitments for capital improvements that are to be provided by Sound Transit under the Agreement are included the South Link Project construction budget.
- The SeaTac City Council is scheduled to take actions to approve the Agreement on June 26, 2012 following a public hearing hosted by the City.

PROJECT DESCRIPTION

The South Link Project will extend light rail from SeaTac/Airport Station to a new station spanning 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 Street station is a temporary southern terminus of the Link system. Station amenities include on-street bus pullouts at the station, an off-street passenger 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 method in order to complete it and begin light rail service in 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 the Construction phase and Third Party Agreement phase as contained in the current cost estimates.

PROJECT TABLE

Action Item: City of SeaTac (Development and Transitway Agreement for the South Link - Airport to S 200th St project.)

South Link-Airport to S 200th

	2012 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	16,064	3,185		3,185	12,879
Preliminary Engineering	5,878	5,746		5,746	132
Final Design	20,005	4,238		4,238	15,767
Right of Way	43,549	18,008		18,008	25,541
Construction	275,725	5,959	1,455	7,414	268,311
Construction Services	15,135	275		275	14,860
Third Party Agreements	6,885	3,546	1,987	5,533	1,352
Vehicles	-	-		-	-
Total Current Budget	383,241	40,956	3,442	44,399	338,842

Phase Detail - Construction

Fire Safety Vehicle	-	-	600	600	(600)
Misc Construction / Mitigation	5,963	1,150	855	2,005	3,958
Other Construction	269,762	4,809	-	4,809	264,953
Total Phase	275,725	5,959	1,455	7,414	268,311

Phase Detail - Third Party Agrmts

City of SeaTac DA	2,556	-	1,987	1,987	569
Other Third Party	4,329	3,546	-	3,546	783
Total Phase	6,885	3,546	1,987	5,533	1,352

Contract Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract Amount	-	-	3,442	3,442
Contingency	-	-	-	-
Total	-	-	3,442	3,442
Percent Contingency	0%	0%	0%	0%

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 for this action

BACKGROUND

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 aerial guideway and station are planned to be delivered using a design-build contract which is scheduled to be awarded in the fall of 2012.

The proposed Agreement combines in one document the development standards and permitting conditions, certain mitigation measures, and the permit process governing the review and construction of the South Link Project within the City of SeaTac's jurisdiction.

The Agreement is specifically authorized by the Growth Management Act, RCW 36.70B. The parties acknowledge that the South Link Project is an essential public facility under RCW 36.70A.200 and as such, the City has a duty to accommodate it and may impose only reasonable conditions that do not preclude the project.

Key elements addressed in the Agreement include the following:

- Station Area Improvements: Capital improvements along City of SeaTac streets and sidewalks have been identified to increase accessibility and safety in the South 200th Street station area. Most of the improvements will be constructed by Sound Transit and others by the City. The total estimated cost for all station areas improvements to be provided under this Agreement, is approximately \$6,500,000. Of Sound Transit's total cost for station area improvements, \$855,300 will be in the form of fixed payments made to the City under this Agreement to fund capital improvements to be provided by the City. The City retains discretion with regard to the specific scope of improvements that it will design, permit, and build. The City is responsible for all right-of-way acquisition, environmental review, and permitting of the improvements that Sound Transit will pay the City to provide.
- Design Review and Construction Permits: Sound Transit will obtain construction permits from the City to construct the South Link Project. The City will issue these permits administratively and has committed to perform an expedited review of all permit applications to meet Sound Transit's schedule for the project. Under this Agreement, Sound Transit will reimburse the City for its costs of conducting technical peer reviews, structural design reviews not covered by permit fees, and for time spent by City staff to facilitate expedited review that exceeds City staff time covered by permit fees for review and approval of the Project, an amount not to exceed \$1,987,000. Separate from this Agreement, Sound Transit will also pay permit fees totaling approximately \$1,100,000 that will be assessed based on the value of the project.
- Traffic Mitigation: Sound Transit and the City have worked to define a flexible mitigation strategy for the project's traffic impacts. Under this Agreement, adequate mitigation measures have been identified; however, the Agreement recognizes that either party may propose alternative mitigation measures that would be mutually beneficial, with implementation of such alternative mitigation measures subject to mutual acceptance.
- Fire Safety and Security: In accordance with concurrence letters between Sound Transit and the City, this Agreement confirms that the South Link Project design and Sound Transit's standard operating procedures and criteria fully address fire safety and

security considerations. In addition, the Agreement confirms that the City will not require Sound Transit to design or construct emergency access structures for the aerial guideway and that Sound Transit will make a lump sum payment of \$600,000 to the City to upgrade one of its existing fire engines with a ladder apparatus to be used for emergency access to the aerial guideway.

- Grant to Use City Right-of-Way: The City grants Sound Transit at no cost a permanent, non-exclusive grant to use any portion of City's right-of-way affected by the project. The Agreement satisfies Federal Transit Administration requirements for continuing control.
- Cooperation and Dispute Resolution: The parties agree to cooperate, provide necessary resources and work in good faith toward completion of the project. A dispute resolution process is included to quickly and effectively settle disputes.

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.

Jl 6/1/2012

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2011-05: Accelerated the South Link – Airport to South 200th Street Project and establishing 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

Throughout the development of the South Link Project, Sound Transit has conducted an extensive public involvement program including mailings, community open houses, and presentations and meetings with individuals and neighborhood groups.

LEGAL REVIEW

SS 6/7/12

MOTION NO. M2012-40

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to (1) execute a Development and Transitway Agreement with the City of SeaTac for the South Link – Airport to South 200th Street Project, specifying the terms and conditions for development of the project from SeaTac/Airport Station to South 200th Street, and establishing the use of City of SeaTac public right-of-way, and (2) to execute all other subsequent agreements with the City of SeaTac as may be necessary to implement this Agreement for a total authorized expenditure not to exceed \$3,442,300.

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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 (1) execute a Development and Transitway Agreement with the City of SeaTac for the South Link – Airport to South 200th Street Project, specifying the terms and conditions for development of the project from SeaTac/Airport Station to South 200th Street, and establishing the use of City of SeaTac public right-of-way, and (2) to execute all other subsequent agreements with the City of SeaTac as may be necessary to implement this Agreement for a total authorized expenditure not to exceed \$3,442,300.

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