

MOTION NO. M2014-99

Authorizes a Task Order with the WSDOT for an Independent Expert Review Panel

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	12/11/2014	Final Action	Ric Ilgenfritz, Executive Director, PEPD Karen Kitsis, Planning and Project Development Manager

PROPOSED ACTION

Authorizes the chief executive officer to execute a Task Order to Agreement GCA 3536 with the Washington State Department of Transportation for professional services and support to the State-appointed Expert Review Panel performed by WSDOT and its consultant(s) during the development of a regional high capacity transit system plan in the amount of \$402,050, with a 10% contingency of \$40,205, for a total authorized task order amount not to exceed \$442,255.

KEY FEATURES SUMMARY

- This task order will allow WSDOT to support the independent Expert Review Panel (ERP) for Sound Transit’s potential next phase of system expansion. This action will provide funding for a consultant to coordinate ERP meetings and document development.
- The ERP provides independent oversight that is required by statute to approve technical analyses beginning early in the development of a Regional High Capacity Transit System Plan to potentially place on the ballot for voter approval.
- The ERP will be asked to make sure that critical questions are posed and assessed, methodologies and assumptions are reviewed, and to ensure that the assumptions are appropriate and reasonable. The Panel will meet quarterly throughout the year. Each meeting will last for up to two days.
- Panel members will provide a wide range of expertise and skills, including: reviewing estimates of transit project costs; reviewing capital financing plans; forecasting ridership; modal analysis; the legal and political background surrounding the Sound Transit legislative charter; environmental impact statement preparation; local design and constructability issues; and mass transit operations and maintenance issues.
- Sound Transit will reimburse WSDOT for all direct costs incurred by the consultant in assembling and supporting the ERP, including expenses related to travel, lodging, meeting room rentals, ground transportation, and per diem meal expenses. All these expenses are accounted for in the budget for this action.
- This action is required to keep planning on schedule. The majority of the work will be complete by June 2016 to meet all the requirements necessary for the development of a final regional high capacity transit system plan. The task order will extend through December 31, 2016, so that any additional questions can be addressed.

BACKGROUND

RCW 81.104, the “High Capacity Transportation Systems” Act (the Act), establishes requirements for local jurisdictions planning to implement High Capacity Transportation (HCT) systems and identifies the role of the state in the planning of these systems. The Act specifically establishes requirements that jurisdictions must satisfy before they may proceed with any ballot measure that, if passed, would impose voter-approved local option funding sources.

Section 110 of the Act, "Independent system plan oversight," provides a recognized framework for guiding HCT studies and guaranteeing that key study assumptions are reasonable. This framework requires that an ERP be appointed cooperatively by the Chair of the Legislative Transportation Committee, the Secretary of the DOT, and the Governor. The ERP must consist of between five and ten members with expertise in relevant fields, such as transit operations, planning, emerging technologies, engineering, finance, law, the environment, geography, economics and political science.

The ERP-related requirements of the Act are related to the development of the a regional high capacity transit system plan. Accordingly, Sound Transit formally requested that the appointing bodies form a new ERP for this round of central Puget Sound Regional HCT system planning.

The ERP's expenses will include the cost of this consulting support as well as direct expenses such as the Panel members' travel, lodging and meals when they meet to conduct business. The Act envisioned ERP related expenses would be "paid from appropriations ... from the (State's) high capacity transportation account." The high capacity transportation account (Account) was funded through the motor vehicle excise tax which the State no longer collects. The last funds were distributed from the Account during the 99-01 biennium. Without the funding source envisioned by the Act, the State had no means of funding ERP activities. Following some discussion of this dilemma, Sound Transit determined that it to be appropriate to reimburse the State for the ERP's expenses. This course of action would allow the formation and start-up of the ERP to proceed, which Sound Transit needs in order to permit development of the ST2 system plan on schedule. The ERP is completely independent of Sound Transit. The ERP and their facilitator/consultant will report directly to the State.

Sound Transit received a final projection of the total ERP costs through end of the year 2016. The amount requested will be sufficient to complete the ERP's required activities, assuming a public vote on a regional high capacity system plan in late 2016. If regional high capacity transit planning is extended over a longer period, the ERP's activities would extend similarly and staff would return to the Board to seek additional funding authority for the task order.

FISCAL INFORMATION

The 2014 Proposed Lifetime Budget for ST3 Planning project is \$39,200,000. Within that amount, \$36,200,000 has been set aside for the Preliminary Engineering Phase, of that amount \$12,445,050 has been committed for the Preliminary Engineering Phase.

The proposed action would commit \$442,255 to execute a Task Order to Agreement GCA 3536 with the Washington State Department of Transportation (WSDOT), leaving the remaining uncommitted budget of \$23,312,694 in the Preliminary Engineering Phase.

This action is within the Adopted Budget and sufficient funds remain after approval of this action to fund the remaining work in the Preliminary Engineering Phase as contained in the current cost estimates.

ST3 Planning	2014 TIP	Commitment to Date	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	3,000	225	0	225	2,775
Preliminary Engineering	36,200	12,445	442	12,887	23,313
Final Design	0	0	0	0	0
Right of Way	0	0	0	0	0
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Third Party Agreements	0	0	0	0	0
Vehicles	0	0	0	0	0
Total Current Budget	39,200	12,670	442	13,112	26,088

Phase Detail - Preliminary Engineering					
Preliminary Engineering Phase Activities	36,200	12,445	442	12,887	23,313
Total Phase	36,200	12,445	442	12,887	23,313

WSDOT Task Order Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Task Order	0	0	402	402
Contingency	0	0	40	40
Total Task Order Amount	0	0	442	442
Percent Contingency	0%	0%	10%	10%

Notes:

Amounts are expressed in Year of Expenditure \$000s.
Board Approvals to Date includes amounts through October 31st, 2014 plus any pending Board Actions.
Project Budget is located on page 88 of the 2014 Transit Improvement Plan (TIP) plus any pending Board Action.
Board Approvals = Committed to-date + Contingency.

SMALL BUSINESS/DBE PARTICIPATION

Participation by Small Businesses and Disadvantaged Business Enterprises (DBEs)

Sound Transit promotes and encourages small business participation, which also includes Disadvantaged Business Enterprises (DBEs). Small Business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of Small Businesses/DBEs available to perform such subcontracting work.

For this specific action, WSDOT will be responsible for setting and monitoring small business participation goals and commitments.

TIME CONSTRAINTS

Delay in executing this task order could result in delay in approval of methodologies for the system plan, and subsequent analysis required to approve a regional high capacity transit system plan for a potential ballot measure in 2016.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2013-75: Authorized the chief executive officer to execute a contract with Parsons Brinckerhoff, Inc. to provide planning services related to updating the 2005 Regional Long-Range Plan and preparing a programmatic SEPA environmental impact statement in the amount of \$4,330,493 with a 10% contingency of \$433,049, for a total authorized contract amount not to exceed \$4,763,542.

Motion No. M2005-36: Authorized the Chief Executive Officer to execute Supplement No. 2 to Agreement GCA 3536 Task Order #8 with the Washington State Department of Transportation for professional services and support to the State-appointed Expert Review Panel performed by WSDOT and its consultant(s) during the development of Sound Transit's ST2 system plan, in the amount of \$298,764, for a total authorized amount for Task Order #8 not to exceed \$334,764.

ENVIRONMENTAL REVIEW

JI 12/3/2014

LEGAL REVIEW

JW 12/05/2014

MOTION NO. M2014-99

A motion of the Capital Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a Task Order to Agreement GCA 3536 with the Washington State Department of Transportation for professional services and support to the State-appointed Expert Review Panel performed by WSDOT and its consultant(s) during the development of a regional high capacity transit system plan in the amount of \$402,050, with a 10% contingency of \$40,205, for a total authorized task order amount not to exceed \$442,255.

BACKGROUND:

RCW 81.104, the “High Capacity Transportation Systems” Act (the Act), establishes requirements for local jurisdictions planning to implement High Capacity Transportation (HCT) systems and identifies the role of the state in the planning of these systems. The Act specifically establishes requirements that jurisdictions must satisfy before they may proceed with any ballot measure that, if passed, would impose voter-approved local option funding sources.

Section 110 of the Act, “Independent system plan oversight,” provides a recognized framework for guiding HCT studies and guaranteeing that key study assumptions are reasonable. This framework requires that an ERP be appointed cooperatively by the Chair of the Legislative Transportation Committee, the Secretary of the DOT, and the Governor. The ERP must consist of between five and ten members with expertise in relevant fields, such as transit operations, planning, emerging technologies, engineering, finance, law, the environment, geography, economics and political science.

The ERP-related requirements of the Act are related to the development of the a regional high capacity transit system plan. Accordingly, Sound Transit formally requested that the appointing bodies form a new ERP for this round of central Puget Sound Regional HCT system planning.

The ERP’s expenses will include the cost of this consulting support as well as direct expenses such as the Panel members’ travel, lodging and meals when they meet to conduct business. The Act envisioned ERP related expenses would be “paid from appropriations ... from the (State’s) high capacity transportation account.” The high capacity transportation account (Account) was funded through the motor vehicle excise tax which the State no longer collects. The last funds were distributed from the Account during the 99-01 biennium. Without the funding source envisioned by the Act, the State had no means of funding ERP activities. Following some discussion of this dilemma, Sound Transit determined that it to be appropriate to reimburse the State for the ERP’s expenses. This course of action would allow the formation and start-up of the ERP to proceed, which Sound Transit needs in order to permit development of the ST2 system plan on schedule. The ERP is completely independent of Sound Transit. The ERP and their facilitator/consultant will report directly to the State.

The ERP provides independent oversight that is required by statute to approve technical analyses beginning early in the development of a Regional High Capacity Transit System Plan to potentially place on the ballot for voter approval. The ERP will be asked to make sure that critical questions are posed and assessed, methodologies and assumptions are reviewed, and to ensure that the assumptions are appropriate and reasonable. The Panel will meet quarterly throughout the year. Each meeting will last for up to two days.

Panel members will provide a wide range of expertise and skills, including: reviewing estimates of transit project costs; reviewing capital financing plans; forecasting ridership; modal analysis; the

legal and political background surrounding the Sound Transit legislative charter; environmental impact statement preparation; local design and constructability issues; and mass transit operations and maintenance issues.

Sound Transit will reimburse WSDOT for all direct costs incurred by the consultant in assembling and supporting the ERP, including expenses related to travel, lodging, meeting room rentals, ground transportation, and per diem meal expenses. All these expenses are accounted for in the budget for this action. The majority of the work will be complete by June 2016 to meet all the requirements necessary for the development of a final regional high capacity transit system plan. The task order will extend through December 31, 2016, so that any additional questions can be addressed.

Sound Transit received a final projection of the total ERP costs through end of the year 2016. The amount requested will be sufficient to complete the ERP's required activities, assuming a public vote on a regional high capacity system plan in late 2016. If regional high capacity transit planning is extended over a longer period, the ERP's activities would extend similarly and staff would return to the Board to seek additional funding authority for the task order.

MOTION:

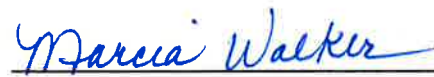
It is hereby moved by the Capital Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a Task Order to Agreement GCA 3536 with the Washington State Department of Transportation for professional services and support to the State-appointed Expert Review Panel performed by WSDOT and its consultant(s) during the development of a regional high capacity transit system plan in the amount of \$402,050, with a 10% contingency of \$40,205, for a total authorized task order amount not to exceed \$442,255.

APPROVED by the Capital Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 11, 2014.



Fred Butler
Capital Committee Chair

ATTEST:



Marcia Walker
Board Administrator