



Motion No. M2022-32

Construction Agreement with the Washington State Department of Transportation for the Design-Build Delivery of the I-405 Stride BRT Brickyard to SR 527 Improvement Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	04/14/2022 04/28/2022	Recommend to Board Final action	Ron Lewis, DECM Executive Director Bernard van de Kamp, Program Executive, Bus Rapid Transit Paul Cornish, Strategic Projects Director - Bus Rapid Transit

Proposed action

(1) Authorizes the chief executive officer to execute a construction agreement with the Washington State Department of Transportation to share costs for the design-build delivery of WSDOT's Brickyard to SR 527 Improvement Project as part of the Bus Rapid Transit Program in the amount of \$133,200,000 with a 6 percent contingency of \$7,992,000 for a total authorized agreement amount not to exceed \$141,192,000; and (2) approves present-value Land Bank credits as reimbursement for fish passage correction in an estimated amount of \$25 million included in the amount authorized.

Key features summary

- Sound Transit is partnering with WSDOT to build the I-405 Brickyard to SR 527 Improvement Project which creates a dual express toll lane system from north of the existing NE 128th Street Direct Access interchange to the I405/SR 527 interchange.
- The funding amount authorized by this action is approximately 20 percent of the total cost estimate for the project. This percentage is based on the cost estimate for transit-related components within the project that are part of the I-405 Bus Rapid Transit (BRT) project. Sound Transit is either fully funding or sharing the costs of these components: Brickyard Station (full funding), I-405/SR 522 Transit Hub (cost share), and Canyon Park Station (cost share).
- Key project transit elements include:
 - Brickyard Station: In-line transit platform I-405 BRT station pair that is adjacent to the existing Brickyard Park and Ride with pull outs to access the express toll lanes. Pedestrian bridges will be constructed to provide access to the platforms from the existing Brickyard Park and Ride and the neighborhood to the east of the Interstate.
 - I-405 BRT/SR 522 BRT Transit Hub: A transit integration hub for transfers between the two BRT lines. Contains:
 - In-line transit platform I-405 BRT station pair with pull outs to access the express toll lanes;
 - Pick-up and drop-off bays for SR 522/145th BRT and supplemental connecting service buses;

- Layover space and electric charging stations for the SR 522/145th BRT buses;
- Passenger pick-up and drop off, and
- Pedestrian access to UW Bothell/Cascadia College, North Creek Trail, and Sammamish River Trail.
- Canyon Park Station:
 - In-line transit platform I-405 BRT station pair with pull outs to access the express toll lanes;
 - Relocates the existing Canyon Park transit stop from the southbound I-405 on-ramp at SR 527 to the in-line station platforms.
 - Reconfigures pedestrian bridge that will connect to the in-line BRT station pair, includes an additional elevator, stairs and generators
- The construction agreement amount includes Sound Transit’s cost share toward all design, construction, construction management, proposer stipends, incentives and taxes associated with the design-build project. WSDOT will manage this effort. Sound Transit will pay actual costs incurred not-to-exceed the authorized amount in this agreement
- The project scope is well defined, which reflects close WSDOT and Sound Transit partnering; collaboration with Bothell, Kirkland, Community Transit, and King County Metro Transit; completion of 15% design; and detailed project requirements.
- The \$133 million WSDOT agreement amount includes \$4.6 million (approximately four percent of estimated construction) that WSDOT may use for additional costs related to the overall joint project, including change orders up to \$500,000 that do not require Sound Transit approval up to a total aggregate amount of \$4,600,000. This action also authorizes an additional six percent of the estimated project costs (\$8 million) as contingency that Sound Transit may use in the event the total project costs for Sound Transit funded components exceed the \$133,200,000 million estimated project costs.
- The project schedule allows sufficient time for Sound Transit to install station elements, such as shelters and passenger information systems before opening for transit service.
- This action requests approval to accept present value Land Bank credits, currently estimated at \$25M, as reimbursement to Sound Transit for all costs related to fish passage correction for the Juanita Creek fish passage near Brickyard, consistent with Board Motion No. M2021-64.

Background

The I-405 BRT project will establish a BRT system from the Lynnwood Transit Center to the Burien Transit Center via I-5, I-405, and SR 518. The project consists of several elements, including new and upgraded transit centers, freeway BRT stations, new park-and-ride capacity, and non-motorized access improvements to the stations. Sound Transit components that are within WSDOT’s Brickyard to SR 527 Improvement Project are part of the I-405 BRT north line (S2). The I-405 BRT connects to the regional transit system at three Link light rail stations and the SR 522/NE 145th BRT line.

The proposed Brickyard to SR 527 Improvement Project is located in the Cities of Kirkland and Bothell along I-405. The project proposes to extend the existing dual express toll lanes from south of I-405 /SR 522 to north of I-405/SR 527. To take advantage of the speed and reliability benefits of the express toll lane extension, three I-405 BRT stations will be located in the center of I-405 as in-line stations. These three stations were initially proposed to be located on existing on- and off-ramps, and the BRT buses would have had to travel in the outside general purpose lanes with congestion during peak hours that would have increased travel times and reduced reliability.

Key transit-related project elements include three in-line transit platform pairs and pull outs for the I-405 BRT and one terminus station for the SR 522/145th BRT, pedestrian and bike (non-motorized) access, pedestrian bridges, a passenger pick-up and drop-off, new platform for connecting service, and direct access ramps to the express toll lane at the I-405/SR 522 and I-405/527 interchanges that will also accommodate the BRT stations at these locations. Sound Transit partnered with WSDOT to deliver the Brickyard to SR 527 Improvement Project.

WSDOT published a National Environmental Policy Act (NEPA) Environmental Assessment for the I-405/SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project on July 2, 2020, which was adopted for State Environmental Policy Act (SEPA) and WSDOT issued a Determination of Nonsignificance (DNS) on July 2, 2020. Sound Transit issued a SEPA DNS for the I-405 BRT project (which includes the Brickyard BRT station and associated roadway improvements) on September 30, 2020. WSDOT and the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact on July 29, 2021 for I-405/SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project. WSDOT issued a NEPA Categorical Exclusion for the I-405/Brickyard Inline Transit Station Project on October 5, 2021, which was adopted as WSDOT's SEPA environmental checklist October 5, 2021.

Working closely with the Sound Transit BRT team, the City of Kirkland, City of Bothell, the University of Washington Bothell/Cascadia College campuses, Community Transit, and King County Metro, WSDOT has completed conceptual design and draft Request for Proposal (RFP) documents for the project; two previous task orders with Sound Transit funded these tasks for the Brickyard Station. WSDOT will procure, award, and oversee design and construction and administer the WSDOT design-build contract for the project.

This agreement sets out the roles and responsibilities of both WSDOT and Sound Transit for the delivery of this project. WSDOT will procure and administer the design-build contract in accordance with all WSDOT standard processes and procedures. Sound Transit will be included in decision-making related to transit elements of the project and Sound Transit will pay an estimated 20 percent of all actual costs for the project, including the design-build contract, WSDOT staff and consultant oversight, third party contracts such as utilities, permits, and local authority reviews.

Sound Transit has partnered with WSDOT to develop the RFP to solicit qualified firms to submit proposals. Sound Transit will have full access to all design and construction management documents and may attend meetings and activities related to the transit-related elements of the project. A WSDOT controlled contingency of four percent of the estimated project construction costs of \$4.6 million is included in the amount requested in this action. In administering the design build contract, WSDOT may issue individual change orders for amounts less than \$500,000 without Sound Transit approval, up to the maximum aggregate amount of this contingency.

Sound Transit will review and provide comments on all proposed transit-related contract change orders. Change orders related to Sound Transit scope in an amount of \$500,000 or greater would require Sound Transit approval.. This action also authorizes an additional six percent Sound Transit controlled contingency that could be used by Sound Transit after the WSDOT contingency is exhausted, if unexpected transit-related events increase the total cost of the project.

This project calls for fish barrier corrections at six locations, one of which is the Juanita Creek fish passage in the vicinity of the Brickyard Station. WSDOT will pay all costs related to five fish passage culvert correction locations. Sound Transit agrees to pay all costs related to the Juanita Creek fish passage incurred by WSDOT, including for any potential property rights acquisition, provided that WSDOT grant equal amounts of present-value credit to Sound Transit under the Restated Land Bank Agreement of 2003, as may be revised, for each payment made by Sound Transit for the Juanita Creek fish passage costs. WSDOT has agreed to grant an equal, present value credit to Sound Transit in the

Reinstated Land Bank Agreement of 2003, consistent with Motion No. M2021-64. This action requests approval of this reimbursement.

Project status

Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction
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Conceptual Engineering/Environmental Review and Preliminary Engineering is complete. Projected Contractor Procurement: 2Q 2022.

Project scope, schedule, and budget summary is located on page 167 of the February 2022 Agency Progress Report.

Fiscal information

This action is within the authorized project allocation and sufficient funds remain after approval of this action to fund the remaining work in the construction phase as contained in the current cost estimates of this project.

The authorized project allocation for the I-405 Bus Rapid Transit project is \$703,930,255. Within that amount, \$578,509,000 has been allocated to the construction phase. Within the construction phase \$141,202,000 is identified for the WSDOT – SR527 Brickyard Improvement Project. This action would commit \$141,192,000 for this activity and leave remaining budget balance of \$10,000.

I-405 Bus Rapid Transit Project
(in thousands)

Project Phase	Authorized Project Allocation	Board Approvals*	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Administration	\$18,587	\$14,185		\$14,185	\$4,402
Preliminary Engineering	49,181	43,384		43,384	5,796
Final Design	17,415	1,748		1,748	15,667
Third Party Agreements	1,690	906		906	784
Right of Way	36,833	28,304		28,304	8,529
Construction	578,509	406,324	141,192	547,516	30,992
Construction Services	1,716	412		412	1,304
Total Current Budget	\$703,930	\$495,263	\$141,192	\$636,455	\$67,475
Phase Detail - Construction					
WSDOT - SR527-Brickyard	\$141,202	\$	\$141,192	\$141,192	\$10
Other Construction	437,307	406,324	0	406,324	30,982
Total Phase	\$578,509	\$406,324	\$141,192	\$547,516	\$30,992
WSDOT Task Order Details					
	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval	
Agreement Amount	\$	\$	\$133,200	\$133,200	
Contingency	0	0	7,992	7,992	
Total Agreement	\$	\$	\$141,192	\$141,192	
Percent Contingency	0%	0%	6%	6%	

Notes:

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

* Board Approvals = Commitment and PO Contingency Remaining as of 4/1/2022.

For detailed project information, see page 156 of 219 of the 2022 Financial Plan & Adopted Budget Book.

The current cost estimate for the I-405 Bus Rapid Transit project is \$1,198 million in 2022\$ and is affordable within the Agency's Finance Plan. Staff is managing the project toward a 2026 delivery (2027 delivery for I-405 Stride North and 2034 delivery for the parking), consistent with both Affordable and Target Schedules. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-05 and does not impact the affordability of any other system expansion project.

Disadvantaged and small business participation

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). WSDOT anticipates procuring a design-build contractor for the work under this agreement.

Public involvement

Sound Transit and WSDOT will continue to jointly lead community outreach. The effort will continue to engage the City of Kirkland, City of Bothell, the University of Washington Bothell/Cascadia College campuses, Community Transit, King County Metro, WSDOT, host neighborhood briefings within the City of Kirkland, the City of Bothell, the community at large and property owners. This effort will include but is not limited to open houses, workshops, customer surveys, City Councils, Planning and Transportation Commission briefings and ongoing education as needed to support the project outreach efforts.

Time constraints

A one-month delay in Board approval could have a significant impact on the project schedule by delaying WSDOT's Design Build procurement advertisement.

Prior Board/Committee actions

Motion No. M2021-64: Authorized the chief executive officer to proceed with the project development, design, and environmental work approved in Motion No. M2019-88 and Motion No. M2021-51, and accept present value Land Bank Credits as reimbursement for fish passage betterments at the Brickyard Park and Ride Station and the Tukwila International Boulevard Inline station, and (2) delegating authority to the System Expansion Committee to approve present-value Land Bank Credits as reimbursement for fish passage betterments required by the Permanent Injunction Related to Culvert Correction.

Resolution No. R2021-08: Selected the route, and station locations for the I-405 Bus Rapid Transit Project.

Motion No. M2019-88: Authorized the chief executive officer to execute a task order with the Washington State Department of Transportation to provide professional services for project development and environmental review of the I-405/Brickyard In-line BRT Station, in the amount of \$6,804,027 with a 10 percent contingency of \$680,403 for a total authorized amount not to exceed \$7,484,430, contingent upon Board approval of Resolution No. R2019-22.

Motion No. M2002-50: Authorized the Executive Director to execute an agreement with the Washington State Department of Transportation (WSDOT) to provide system-wide engineering services for Link Light Rail including specific services in the Initial Segment in the amount of \$1,000,000 plus a 10% contingency of \$100,000 for a total amount of \$1,100,000, and specific services in North Link in the amount of \$100,000 plus a 10% contingency of \$10,000 for a total amount of \$110,000, and for a total authorized agreement amount not to exceed \$1,210,000.

Environmental review – KH 4/4/22

Legal review – JSA 4/12/22



Motion No. M2022-32

A motion of the Board of the Central Puget Sound Regional Transit Authority (1) authorizing the chief executive officer to execute a construction agreement with the Washington State Department of Transportation to share costs for the design-build delivery of WSDOT's Brickyard to SR 527 Improvement Project as part of the Bus Rapid Transit Program in the amount of \$133,200,000 with a 6 percent contingency of \$7,992,000 for a total authorized agreement amount not to exceed \$141,192,000; and (2) approves present-value Land Bank credits as reimbursement for fish passage correction in an estimated amount of \$25 million included in the amount authorized.

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Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that (1) the chief executive officer is authorized to execute a construction agreement with the Washington State Department of Transportation to share costs for the design-build delivery of WSDOT's Brickyard to SR 527 Improvement Project as part of the Bus Rapid Transit Program in the amount of \$133,200,000 with a 6 percent contingency of \$7,992,000 for a total authorized agreement amount not to exceed \$141,192,000; and (2) present-value Land Bank credits are approved as reimbursement for fish passage correction in an estimated amount of \$25 million included in the amount authorized.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 28, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator