



Motion No. M2024-62

Section 106 Programmatic Agreement for the West Seattle Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	10/10/2024 10/24/2024	Recommend to Board Final action	Terri Mestas, Deputy CEO, Capital Delivery Brad Owen, Executive Director, Capital Delivery Jason Hampton, HCT Development Manager Alex Stevenson, Manager Cultural Resources

Proposed action

Authorizes the chief executive officer to (1) execute a Section 106 Programmatic Agreement with the Federal Transit Administration, Washington State Historic Preservation Officer, City of Seattle, the Muckleshoot Indian Tribe, the Suquamish Tribe, and the Stillaguamish Tribe of Indians for the West Seattle Link Extension project, and (2) to execute amendments, including adding consulting parties and addressing newly identified adverse effects, that are consistent with processes outlined in the Section 106 Programmatic Agreement and with Sound Transit Policy and Procedures.

Key features summary

- The West Seattle Link Extension (WSLE) project is located within the City of Seattle and adverse effects to historic built environment resources and Tribally known archaeological resources have been identified through the environmental review process.
- The WSLE Final Environmental Impact Statement (EIS) was published on September 20, 2024. In parallel with the Final EIS, the Federal Transit Administration (FTA) in coordination with Sound Transit initiated the Section 106 process under the National Historic Preservation Act in 2019.
- Under Section 106, if a federal agency provides funding, approvals or use of federal land to a project, the federal agency must consider the effects of the project on cultural resources including historic buildings, archaeological sites, and other traditional properties. This analysis is done in consultation with the State Historic preservation officer (SHPO), Tribes, and other parties with demonstrated interest in a project.
- Through the WSLE Section 106 process FTA has determined, in consultation with the above parties, that the project will adversely affect historic built environment resources and may have effects on undocumented but Tribally known archaeological resources. To resolve these adverse effects, FTA in coordination with Sound Transit and in consultation with the above parties has developed a Programmatic Agreement outlining adverse effects from the project and setting forth mitigation for those adverse effects.
- Currently, the agreement outlines these effects and mitigation measures, including \$500,000 for the City of Seattle and SHPO to assist with their historic database infrastructure and public outreach, for the Final EIS Preferred Alternative, however, the agreement may be modified through consultation

among the parties named above if the project to be built selection varies from the Final EIS preferred alternative.

- As the project advances through design and specific impacts are refined, the chief executive officer is authorized to execute amendments to the agreement that are consistent with processes outlined in the Agreement and with Sound Transit Policy and Procedure, which may include the addition of Section 106 consulting parties and addressing adverse effects that are identified through the final design phase.

Background

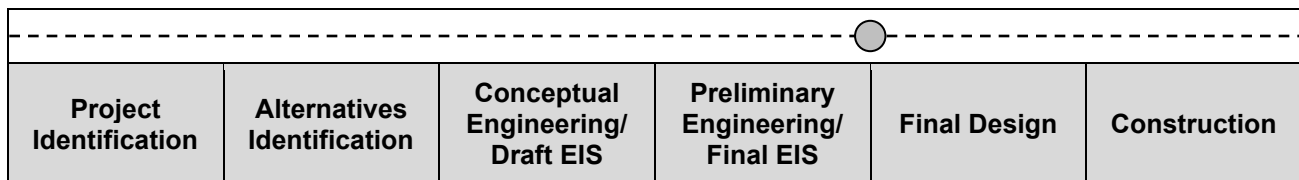
The West Seattle Link Extension project (WSLE) was approved for funding by voters under the ST3 Plan. The projects will provide fast, reliable light rail connections to dense residential and job centers throughout the region. The extension to West Seattle will operate from SODO to West Seattle’s Alaska Junction neighborhood with four stations and will eventually connect through downtown Seattle north to Everett.

In July 2022, through Motion No. M2022-57, the Sound Transit Board identified the preferred alternative for the West Seattle Link Extension and requested further studies of refinements to the preferred alternative. Refinements from the further studies were incorporated into the preferred alternative in the WSLE Final EIS.

The WSLE Final EIS was published on September 20, 2024. In parallel with the Final EIS, the WSLE initiated the Section 106 process under the National Historic Preservation Act.

The Programmatic Agreement outlines processes for ongoing Section 106 consultation on the project following completion of environmental review. This includes processes for review of documentation, project design, new project impacts, archaeological investigations, and mitigation for known and currently unknown adverse effects. The mitigation outlined takes the form of public outreach and education, as well as funding historic databases to inform the public on the history of Seattle in the vicinity of the project but also includes other educational components identified by Tribes and consulting parties. Funds not to exceed \$500,000 will be distributed to the City of Seattle and SHPO to assist with their historic database infrastructure and public outreach.

Project status



Projected completion date for Final Design Completion: Q4 2027

Project scope, schedule and budget summary are located on page 110 of the June 2024 Agency Progress Report.

Fiscal information

This action is within the authorized project allocation of the project and sufficient monies remain after approval of this action to fund the remaining work in the third parties phase. As this project is pre-baselined, both the authorized project allocation for project development work and a forecasted cost estimate for the remaining project delivery and construction work are reasonably assumed in the existing Long Range Financial Plan forecast.

The current cost estimate in the Financial Plan for the West Seattle Link Extension project is \$4.0 billion in 2024\$ with an assumed in-service date of 2032. This represents the cost estimate updated at the time of Realignment.

The authorized project allocation for the West Seattle Link Extension project is \$246,814,363. Within the \$4,050,200 third parties phase, \$500,000 has been allocated for the Section 106 Programmatic Agreement. The action would commit \$500,000 to this line item and leave an uncommitted line item balance of \$0.

West Seattle Link Extension
(in thousands)

Project Phase	Authorized Allocation	Total Commitment to Date	This Action	Total Commitment Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$25,450	\$21,424	\$0	\$21,424	\$4,027
Preliminary Engineering	84,160	65,383	-	65,383	18,777
Final Design	-	-	-	-	-
Third Parties	4,050	2,768	500	3,268	782
Right of Way	133,154	6,056	-	6,056	127,098
Construction	-	-	-	-	-
Construction Services	-	-	-	-	-
Vehicles	-	-	-	-	-
Total Current Budget	\$246,814	\$95,631	\$500	\$96,131	\$150,683
Phase Detail - Third Parties					
Section 106 Programmatic Agreement	\$500	\$	\$500	\$500	\$0
Other Third Parties	3,550	2,768	-	2,768	782
Total Phase	\$4,050	\$2,768	\$500	\$3,268	\$782

Notes:
 Amounts are expressed in Year of Expenditure \$000s.
 Total Commitment to Date = Commitment and PO Contingency Remaining as of 8/31/2024
 For detailed project information, see page 102 of the 2024 Financial Plan & Adopted Budget.

Disadvantaged and small business participation

Participation by small businesses and disadvantaged business enterprises (DBEs)

Not applicable to this action

Title VI compliance

Not applicable to this action

Public involvement

Sound Transit has engaged stakeholders, the public and various agencies at the local, regional, state and federal levels to solicit early and continued feedback since project development was initiated in 2017. The main focus during the Draft EIS phase was on engagement activities leading up to and during the formal Draft EIS public comment period, which was held for 90 days from January 28 to April 28, 2022. In July 2022, the Board in Motion No. M2022-57 identified a preferred alternative for the West Seattle Link Extension and directed further studies and public engagement to inform a future action to confirm or modify the preferred alternative for the Ballard Link Extension.

Between July 2022 and October 2024, engagement activities have included hosting open houses, convening community workshops, providing community briefings, meeting with business, residents and property owners and participating in events and tours. Sound Transit partnered with City of Seattle community liaisons to provide in-language engagement and offered translated materials and interpretation. Opportunities were provided for engagement in person and online, with both in-person and online open houses where updated station concepts were shared and feedback was collected. In the fall of 2023 Sound Transit, in partnership with City of Seattle and King County Metro held in-person and online station planning open houses where we gathered feedback on access, urban design and

transit-oriented development (TOD) topics. Following the fall engagement, in the spring of 2024 Sound Transit shared station design progress at an in-person open house and through the project website.

Sound Transit in coordination with FTA have met with Tribes, SHPO and other consulting parties since 2019. Formal Section 106 consultation meetings with Tribes, SHPO and consulting parties have been led by FTA and Sound Transit and have been occurring at a biweekly interval since early 2024 with numerous formal meetings at various Section 106 milestones prior to 2024.

Public input in the Section 106 programmatic agreement was sought in September of 2024 with a formal comment period.

Time constraints

The Board has identified a target in-service date of 2032. A delay in executing a Section 106 Programmatic Agreement for the West Seattle Link Extension would delay issuance of the Federal Transit Administration's Record of Decision, the start of Final Design, procurement of a design contractor, property acquisition and certain permitting activities.

Prior Board/Committee actions

Motion No. M2023-57: Confirmed or modified the preferred station location for the Denny Station for the Ballard Link Extension Final Environmental Impact Statement.

Motion No. M2023-18: Confirmed or modified the preferred light rail route and station locations for the Ballard Link Extension Final Environmental Impact Statement.

Motion No. M2022-57: Confirmed or modified the preferred light rail route and station locations for the West Seattle Link Extension Final Environmental Impact Statement and requesting further studies in some areas to inform potential additional future Board action to confirm or modify the Preferred Alternative.

Motion No. M2019-104: Recommended additional alternatives for study in the West Seattle and Ballard Link Extensions Draft Environmental Impact Statement.

Motion No. M2019-51: Identified the preferred alternative(s) and other alternatives for study in the Draft Environmental Impact Statement for the West Seattle and Ballard Link Extensions project.

Motion No. M2017-161: Authorized the chief executive officer to execute a Partnering Agreement with the City of Seattle for the West Seattle and Ballard Link Extensions Project.

Resolution No. R2017-32: Amended the Adopted 2017 Budget to create the West Seattle and Ballard Link Extensions Project by (a) establishing the Project Allocation to Date through the completion of the Preliminary Engineering Phase in the amount of \$285,896,000 and (b) establishing the 2017 Annual Budget in the amount of \$4,150,000; (2) authorized the project to advance through Gate 1 within Sound Transit's Phase Gate Process; and (3) established the name of the project as the West Seattle and Ballard Link Extensions Project.

Environmental review – KH 9/26/24

Legal review – AJP 10/3/24



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A motion of the of Board the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to (1) execute a Section 106 Programmatic Agreement with the Federal Transit Administration, Washington State Historic Preservation Officer, City of Seattle, the Muckleshoot Indian Tribe, the Suquamish Tribe, and the Stillaguamish Tribe of Indians for the West Seattle Link Extension project, and (2) to execute amendments, including adding consulting parties and addressing newly identified adverse effects, that are consistent with processes outlined in the Section 106 Programmatic Agreement and with Sound Transit Policy and Procedures.

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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 Section 106 Programmatic Agreement with the Federal Transit Administration, Washington State Historic Preservation Officer, City of Seattle, the Muckleshoot Indian Tribe, the Suquamish Tribe, and the Stillaguamish Tribe of Indians for the West Seattle Link Extension project, and (2) to execute amendments, including adding consulting parties and addressing newly identified adverse effects, that are consistent with processes outlined in the Section 106 Programmatic Agreement and with Sound Transit Policy and Procedures.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 24, 2024.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator