

MOTION NO. M2018-148
Development Agreement with the City of Kent for the Federal Way Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	11/08/2018	Recommend to Board	Ron Lewis, Acting DECM Executive Director
Board Meeting	11/15/2018	Final Action	Dan Abernathy, Executive Project Director – Federal Way Link Extension Soraya Lowry, HCT Development Manager

PROPOSED ACTION

Authorizes the chief executive officer to execute a Development Agreement with the City of Kent for the Federal Way Link Extension.

KEY FEATURES SUMMARY

- The City of Kent (City) and Sound Transit are entering into a Development Agreement for the Federal Link Extension to provide the following:
 - Confirm the policy framework by identifying, interpreting and vesting applicable codes and standards, as well as granting departures to more than a dozen code requirements.
 - Confirm key design requirements, including local roadway improvements, restoration of haul routes, and parking mitigation that is consistent with the Record of Decision (ROD); and
 - Streamline permitting, including the City’s grant of land use approval through the Development Agreement and clarification of which project elements the City will be involved in reviewing and permitting.
- There are two costs associated with this agreement:
 - Sound Transit will provide a fee-in-lieu payment of \$500,000 to satisfy the City’s code requirement that property owners maintain landscaping in adjacent public rights-of-way. Upon payment, the City of Kent will accept permanent maintenance responsibilities for all landscaping located within the public rights-of way located next to the Kent/Des Moines and South 272nd stations.
 - Sound Transit will support the capital costs of implementing a residential parking program in an amount not-to-exceed \$15,000, to satisfy the City’s parking requirement for the South 272nd station area, consistent with the ROD.
- The agreement is included in the design-build request for proposal and will help guide and inform contractor proposals.
- This agreement was approved by the Kent City Council on November 6, 2018.

BACKGROUND

The Federal Way Link Extension extends light rail approximately 7.8 miles from the Angle Lake Station at South 200th Street in the City of SeaTac to the City Center area in Federal Way. The extension generally parallels State Route 99 and Interstate 5, with stations at Kent/Des Moines, South 272nd/Star Lake Park-and-Ride, and the Federal Way Transit Center. New parking structures will be constructed at each of the three stations.

The Federal Way Link Final Environmental Impact Statement was issued on November 18, 2016, pursuant to the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) and completing the SEPA process. The Federal Transit Administration issued a Record of Decision on March 6, 2017 and the Federal Highway Administration issued a Record of Decision on March 9, 2017, completing the NEPA process.

On January 26, 2017, the Sound Transit Board defined and selected the Federal Way Link Extension alignment, profile, stations, and associated infrastructure to be built between Angle Lake Station at South 200th Street and the Federal Way Transit Center in Resolution No. R2017-02.

PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction
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Projected Completion Date for Preliminary Engineering Phase: 3Q 2019
 Project scope, schedule, and budget summary located on page 83 of the August 2018 Link Light Rail Program Progress Report.

FISCAL INFORMATION

This action is within the baseline budget and sufficient monies remain after the approval of this action to fund the remaining work in the third party phase as contained in the current cost estimate.

The baseline budget for Federal Way Link Extension is \$2,451,535,000. Within that amount, \$27,741,000 has been allocated to the third party phase. Of this amount, \$5,494,000 is allocated to the City of Kent agreement. This proposed action will commit an additional \$515,000 to this line, leaving a remaining uncommitted budget balance of \$4,660,000.

Federal Way Link Extension

(in thousands)

Project Phase	Baseline Budget	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$96,520	\$13,145		\$13,145	\$83,375
Preliminary Engineering	43,669	43,402		43,402	267
Final Design	3,085	907		907	2,178
Third Party	27,741	4,179	515	4,694	23,047
Right of Way	341,565	38,405		38,405	303,160
Construction	1,831,949	4,500		4,500	1,827,449
Construction Services	107,006	5,065		5,065	101,941
Vehicles					
Total Current Budget	\$2,451,535	\$109,603	\$515	\$110,118	\$2,341,417
Phase Detail - Third Party					
City of Kent	\$5,494	\$319	\$515	\$834	\$4,660
Other Third Party	22,247	3,860		3,860	18,387
Total Phase	\$27,741	\$4,179	\$515	\$4,694	\$23,047

City of Kent Agreement Detail	Board Approvals to Date	Current Approved Agreement Status	Proposed Action	Proposed Total for Board Approval
Agreement Amount	\$319	\$319	\$515	\$834
Contingency	0	0	0	0
Total Agreement Amount	\$319	\$319	\$515	\$834
Percent Contingency	0%	0%	0%	0%

Notes:

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

Board Approvals = Committed To-Date + Contingency as of Sep 2018, and includes pending Board actions.

For detailed project information, see page 27 of the Adopted 2018 Transit Improvement Plan (TIP).

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable for this action.

PUBLIC INVOLVEMENT

Throughout the development of the Federal Way Link Extension, Sound Transit has conducted extensive public involvement including mailings, community open houses, presentations, and meetings with individuals and neighborhood groups.

TIME CONSTRAINTS

A one-month delay could impact Sound Transit's overall timeline for securing key third party agreements.

ENVIRONMENTAL REVIEW

KH 10/30/18

LEGAL REVIEW

AJP 11/2/18

MOTION NO. M2018-148

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a Development Agreement with the City of Kent for the Federal Way Link Extension.

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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 Development Agreement with the City of Kent for the Federal Way Link Extension.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 15, 2018.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator