

SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the Central Puget Sound Regional Transit Authority (Sound Transit); authorizing execution of a Funding and Cooperative Agreement For Northgate Station Area Access Improvements Agreement between Sound Transit and The City of Seattle; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

1. Agreement purpose
 - This agreement relates back to 2012 commitments and subsequent ST Board motions, along with Council [Resolution 31389](#), passed June 2012. The agreement affirms roles and responsibilities for ST and the City with regard to designing and constructing certain listed access projects (Exhibit B), as well as clarifying caps on funding contributions from ST.
 - Newly specified elements include schedules for project delivery, payment schedules and solidifying how previous design work on the projects are allocated against ST’s match commitment.
2. Identified access projects
 - Exhibit B is a map showing the location and type of access projects resulting from the agreed upon Station Access study, completed by Sound Transit in 2014, including the ped/bike bridge across I-5, 1st Ave NE PBL, completion of missing sidewalk segments, a Safe Routes to School project and pedestrian crossing improvements. Some of these projects have already been completed, while others are anticipated to be completed between now and time the Station opens in 2021.
3. Project Development/Construction Management
 - Assigns City risk for environmental mitigation and hazardous waste removal for access projects, subject to City’s budget process. This is not considered a major factor beyond wetland issues already incorporated into cost of the ped/bike bridge
 - Environmental review: City is established as lead agency for SEPA review of access projects (environmental analysis for the bridge is complete); ST agrees to cooperate.
 - City will host agency design coordination meetings (already ongoing);
 - City will grant ST staff opportunity to review project design (standard practice for interagency projects)
 - ADA compliance required
4. Funding
 - Caps ST funding at \$10 million , as anticipated in the 2012 commitments
 - Allows ST to credit costs for design and construction already completed to their match (see Exhibit D, which identifies qualified credits that reduce the balance of the remaining \$10 million commitment to \$7.3 million). The 2020-2025 Adopted CIP assumes the remaining \$7.3 million in Sound Transit Funding.

- ST commits to amend its construction air rights agreement with WSDOT and US Army Corps permits to allow City to construct projects
 - Establishes invoicing protocols and schedules for payment of ST contributions to City
5. Schedules and Milestones
- Parties agree to coordinate on construction management and cooperate to get the projects completed in time for station opening in 2021 to extent possible without getting in ST's way in meeting its own schedule milestones (see Exhibit E)
6. ROW and access, ownership and maintenance responsibilities
- Establishes that ST is responsible for O&M for station and City for O&M of bridge and other ped/bike access facilities
 - City required to seek authority from WSDOT to construct bridge over I-5
 - City and ST will co-brand construction postings and advertisements
7. Other terms
- Standard ST/COS dispute resolution escalation procedures laid out
 - City reserves right to cancel bridge project if GC bids exceed engineers cost estimates
 - 10-13. General provisions: Cooperation with ST audit procedures, PM contacts for notices, severability, choice of dispute forum
 - 12 and 15. Indemnification terms are standard for interagency agreements – each party indemnifies the other to the extent permitted by law, except when one party is determined to be solely negligent, or responsible under state law for workers comp covered injuries
 - 14. Termination upon station opening and ST making final payments, except for indemnification and financial audit provisions

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No

Is there financial cost or other impacts of *not* implementing the legislation?

Yes, without approval of the underlying agreement, the City would not be able to receive the remaining balance of \$10 million in station access commitments made by Sound Transit in 2012 – approximately \$7.3 million, as reflected in the 2020-2025 Adopted CIP.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No
- b. **Is a public hearing required for this legislation?**
No
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- e. **Does this legislation affect a piece of property?**
Yes, see maps on Exhibits A and B of the Agreement (Att A)
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
These station access projects, especially the Northgate Pedestrian and Bicycle Bridge, will greatly expand affordable, non-motorized access to the Northgate Link Light Rail station area, including to more affordable areas to the north of the station and west of I-5 with relatively high concentrations of people; as well as to North Seattle College, which provides several affordable academic, workforce development and job training programs for students from around the region.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

N/A

List attachments/exhibits below: