



MEMO TO: Committee of the Whole – Finance, Administration, and Communications

FROM: Jeff Churchill, AICP, Transportation Strategic Advisor

DATE: July 28, 2020

SUBJECT: 40th Street Underpass Operations and Maintenance Agreement

I. PURPOSE ☐ For Info Only ☒ Potential Agenda Item ☐ Scheduled for Council Action

Brief the City Council on the final draft 40th Street Underpass Operations and Maintenance Agreement.

II. RECOMMENDATION

Place Agreement on the August 18, 2020 City Council meeting agenda as a consent item.

III. DEPARTMENT CONTACTS

Carol Helland, Director

425-556-2107

Don Cairns, P.E., Transportation Planning and Engineering Manager

425-556-2834

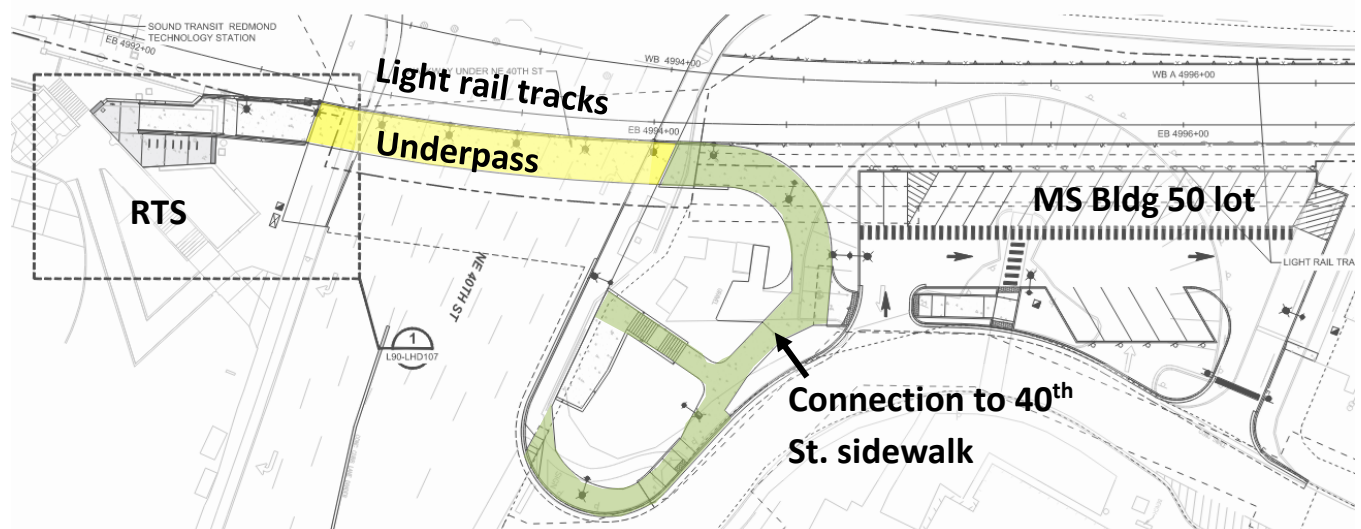
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Planning and Community Development

IV. DESCRIPTION/BACKGROUND

As part of the Downtown Redmond Link Extension, Sound Transit is building, Microsoft is funding, and the City will own, a pedestrian and bicycle undercrossing of NE 40th Street east of SR 520 ("Underpass"). The Underpass will connect the Redmond Technology Station ("RTS") to the north side of NE 40th Street, allowing pedestrians and bicyclists to cross separately from vehicle traffic, and without detouring to the signalized crossing at 156th Avenue NE. The facility will be open to the public, with Microsoft granting the City a public access easement so that users can walk from the north tunnel terminus to the public sidewalk on NE 40th Street.



The City, Sound Transit, and Microsoft staff executed a Term Sheet for the Underpass on May 1, 2020, which called for creating an operations and maintenance agreement (see Attachment B.)

A. Analysis

City, Sound Transit, and Microsoft staff have reached agreement on an operations and maintenance agreement for the Underpass (Attachment A). The City Attorney has reviewed the agreement. It builds on the foundation laid in the Term Sheet.

The Agreement divides responsibility according to the matrix below. In summary, the City would own and maintain the concrete path, lighting, cameras (if any), and other fixtures (if any), generally in the area shown in yellow on the previous page. The City would also be responsible for remedying structural damage to the path or any walls caused by a member of the public.

Ownership, Operation and Maintenance Activities	AGENCY		
	ST	City	MS
Facility Owner			
Wall opposite light rail trackway side	X		
Foundation and overhead structure	X		
Security fence between underpass and light rail trackway	X		
Pedestrian underpass (including slab, lighting, security cameras, fixtures, and all elements inside of underpass)		X	
Routine and Preventative Maintenance			
Foundation and overhead structure	X		
Security fence between underpass and light rail track	X		
Pedestrian underpass (including slab, lighting, graffiti removal, security cameras, electrical systems, fixtures, wall opposite light rail trackway side, and all elements inside of underpass)		X	
Connecting walkways and stairways on MS property			X
Drainage system immediately south of Underpass	X		
Drainage system immediately north of Underpass			X
Structural Repair			
Wall opposite light rail trackway side (not caused by public access in Underpass)	X		
Funding for wall or security fence repair when caused by public access in Underpass		X	
Foundation and overhead structure	X		
Security fence between underpass and light rail trackway	X		
Pedestrian underpass (including slab, lighting, security cameras, fixtures and all elements inside of underpass)		X	
Connecting walkways and stairways on MS property			X
Safety and Security			
Light rail guideway side of fence	X		
Inside underpass		X	
Connecting walkways and stairways on MS property			X

Inspections			
Light rail guideway side of fence	X		
Inside underpass	X	X	
Connecting walkways and stairways on MS property			X

Previous Discussion and Next Steps

Action	Timeline
City Council study session (quarterly update for Q1; written materials only)	March 10
City Council staff report (quarterly update for Q2)	June 16
Committee of the Whole briefing	July 28
City Council action to authorize Agreement execution	August 18
Agreement execution	August 31

V. TIME CONSTRAINTS

The funding agreement between Microsoft and Sound Transit requires an operations and maintenance agreement to be in place prior to construction. Construction is expected to begin in late summer 2020.

VI. LIST OF ATTACHMENTS

Attachment A: 40th Street Underpass Operations and Maintenance Agreement (final draft)

Attachment B: 40th Street Underpass Operations and Maintenance Term Sheet (executed)