



## Legislation Text

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**File #:** AM No. 20-073, **Version:** 1

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**MEMO TO:** Members of the City Council

**FROM:** Mayor Angela Birney

**SUBJECT:**

Approval of NE 40<sup>th</sup> St Shared Use Path from 156<sup>th</sup> Ave NE to 163<sup>rd</sup> Ave NE Consultant Agreement with David Evans and Associates, Inc. (DEA) in the Amount of \$651,000, for Engineering Services and Authorize Staff to Obtain Property Rights

### **I. RECOMMENDED ACTION**

Approve consultant agreement with David Evans and Associates, Inc. (DEA) in the amount of \$651,000 for Right of Way, Design and Construction Engineering Services and authorize staff to negotiate and acquire property rights as needed for the project.

### **II. DEPARTMENT CONTACTS**

Dave Juarez, Public Works Director	425-556-2733
Don Cairns, Transportation Planning & Engineering Manager	425-556-2834
Peter Dane, Transportation Sr. Planner	425-556-2816
Lisa Singer, Public Works Construction Project Manager	425-556-2726

### **III. DESCRIPTION/BACKGROUND**

This Consultant Agreement meets the general guidance from the State Attorney General regarding Open Public Meetings Act (OPMA) during the COVID-19 pandemic, consistent with the Governor's Proclamation 20-05 that requires Council action be both "necessary and routine":

- Necessary: This agreement is "necessary" so that construction of the NE 40<sup>th</sup> Street Shared Use Path Project can proceed on schedule; the agreement cannot wait because waiting would delay the project and have a potential financial consequence for not taking action.
- Routine: This agreement is "routine" since the consultant agreement is a regular procedure typical to most City CIP projects and is not considered to be unusual, special or controversial.

The NE 40th Street Shared Use Path, located on the south side of NE 40<sup>th</sup> Street from 156<sup>th</sup> Ave NE to 163<sup>rd</sup> Ave NE, will provide a half-mile comfortable bicycle and pedestrian connection in the Overlake

Regional Growth Center that will:

- Increase bicycle access to the Redmond Technology Station
  - Transportation options will play an important role in light rail ridership because there will be a limited number of park and ride stalls (320) which will require riders to find other modes, such as bicycling, to access the Station
- Expand the regional bicycle trail system by extending this paved, shared use path from the 520 Trail east to 163<sup>rd</sup> Avenue NE
- Enable future expansion of bicycle facilities further east on NE 40<sup>th</sup> Street to connect the Idylwood Neighborhood into the Overlake Regional Growth Center

This project is one of the highest-ranking projects on the Transportation CIP. It is included in the 2013 Transportation Master Plan which shows a key east-west Bicycle Modal Corridor on NE 40th St from West Lake Sammamish Parkway to SR 520. With the completion of this project and the Sound Transit portion near the new Redmond Technology Link Light Rail Station, the west end of the pathway will be complete from SR 520 to 163<sup>rd</sup> Ave NE.

Existing conditions on NE 40th Street are a significant barrier to bicycle use. Those willing to bicycle on NE 40<sup>th</sup> Street today ride in the roadway on this five lane, 35 MPH arterial with nearly 25,000 vehicles per day. The project will provide a paved, shared use path designed to regional trail standards that is comfortable for all ages and abilities to walk and bicycle on that is separated from the roadway through most of this section. See Attachment A Vicinity Map, for a graphic depiction of the project location.

This project and other non-motorized projects in the Overlake area have been developed in partnership with Microsoft. They are committed to improving pedestrian and bicycle access in and around the Microsoft campuses with a goal of improving drive alone mode share from 58% to 50%. Pedestrian and bicycle facilities like these improvements to NE 40<sup>th</sup> Street will help encourage more people to choose alternate modes of travel.

Microsoft is donating permanent and temporary easements to allow for construction of this multi-purpose pathway that will provide a direct connection to the Redmond Technology Station.

Due to the complexity of modifying existing easements, obtaining new easements and updating associated property agreements to accommodate the project, consultant right of way services need to begin immediately after the contract is executed to keep the project on schedule. The right of way process will follow federal requirements due to the federal funding.

As a result of the Request for Qualifications process, DEA was selected to provide right of way, design and construction engineering services. Approval of the consultant agreement will allow DEA to begin right of way and design work.

The consultant agreement includes right of way, design and construction services although only right of way and design services are scoped at this time. Scope for any additional services, such as construction engineering services, will be requested for approval at a later time.

#### **IV. PREVIOUS DISCUSSIONS HELD**

Date	Council Action
September 4, 2018	Transportation grant revenue acceptance, including NE 40 <sup>th</sup> Street Shared Use Path construction grant revenue
April 16, 2019	NE 40 <sup>th</sup> Street Shared Use Path design grant revenue acceptance
May 12, 2020	Planning and Public Works Committee of the Whole

## V. IMPACT

### A. **Service/Delivery:**

This project will provide a shared use bicycle and pedestrian path on the south side of NE 40<sup>th</sup> Street from 156<sup>th</sup> Avenue NE to 163<sup>rd</sup> Avenue NE to connect an existing on-street bicycle path to the east to the upcoming light rail station to the west.

This project is planned to be complete before the Redmond Technology Light Rail Station opens in 2023. Design and right of way work must begin immediately to meet this schedule.

The Puget Sound Regional Council (PSRC) has authorized distribution of Federal Highway Administration (FHWA) funds to design and construct a paved, shared use path on NE 40<sup>th</sup> Street from 156<sup>th</sup> Avenue NE to 163<sup>rd</sup> Avenue NE.

### B. **Fiscal Note:**

Redmond's adopted 2019-2020 Budget funds this project. Grants have been accepted by Council.

#### Current Project Budget:

PSRC Grants	\$1,397,850
Transportation CIP	<u>\$1,439,148</u>
TOTAL FUNDING	\$2,836,998

#### Estimated Project Cost

Right of Way	\$ 278,200
Design	\$1,164,000
Construction	\$3,053,800
TOTAL ESTIMATED PROJECT COST	\$4,496,000

Budget Difference	(\$1,659,002)
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#### New Project Budget:

PSRC Grants	\$1,397,850
Transportation CIP	<u>\$3,098,150</u>
TOTAL FUNDING	\$4,496,000

The budget difference will be covered by a transfer from Transportation CIP funds, including business tax and impact fee sources that are dedicated to transportation uses. The current funding covers the cost of this Consultant Agreement and the final budget will be approved as part of the 2021-2026 CIP approval process later this year.

The project cost estimate for this project has been reviewed and updated. The increase in estimated project costs is due to scope elements that were underestimated, unknown, or not fully developed. The major cost increases are attributed to the following:

Right of Way \$0.3 M

- There are several existing utility and sidewalk easements that need to be revised or re-established, all under FHWA guidelines

Underestimated or underdeveloped scope elements \$0.9M

- Intersection modifications
- ADA lighting
- Significant utility conflicts
- Steep slope and groundwater issues
- Coordination and modifications associated with multiple adjacent projects

Associated additional design costs \$0.4M

- Design of the underdeveloped scope items
- Environmental permitting under federal funding guidelines and city process

## **VI. ALTERNATIVES TO STAFF RECOMMENDATION**

Council could choose to not approve the consultant agreement or the right of way acquisition at this time, either of which would delay the project and risk loss of the federal funding. Delay would also likely place construction of this project after the Redmond Technology light rail station is open, which would impact pedestrian, bicycle and vehicle traffic in the vicinity of the station while it is being constructed.

## **VII. TIME CONSTRAINTS**

This project will provide a direct east-west bicycle connection to the Redmond Technology Station in partnership with Microsoft. The City is working to complete the project prior to East Link Light Rail opening to passenger service to Overlake in 2023. In addition, the federal grant that is partially funding the construction needs to be obligated by June 2022. Two years to complete the design and real property requirements is an aggressive schedule, so design and right of way work need to begin immediately. If the construction obligation timeline is not met, the City is at risk of losing the federal construction funds for the project.

## **VIII. LIST OF ATTACHMENTS**

- A. NE 40<sup>th</sup> St Shared Use Path Vicinity Map
- B. Negotiated Hourly Rate Consultant Agreement with DEA

