

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Obligate \$11,836,379 of Connecting Washington Funding for Right-of-Way Acquisition for Phase 1 of the SR523 (N/NE 145 th Street) Aurora Avenue N to I-5 Project
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Staff is requesting that Council authorize the City Manager to execute an agreement with the Washington State Department of Transportation (WSDOT) to obligate \$11,836,379 of State Connecting Washington funding for Right-of-Way (ROW) acquisition for the SR523 (N/NE 145th Street) Aurora Avenue N to I-5 Project, Phase 1 (I-5 to Corliss Avenue).

In accordance with the City's Grants Management Policy and Procedure, grant agreements for Capital Improvement Program projects require Council action for City Manager signature/approval authority following the dollar allocation for Small Works Projects which is currently set at \$350,000. Additionally, WSDOT requires formal authorization of their contracts prior to execution. WSDOT administers Federal and State funds awarded to the City of Shoreline. Approval of these State Connecting Washington funds will allow the City to begin the ROW acquisition for Phase 1 of the 145th Corridor Project.

RESOURCE/FINANCIAL IMPACT:

The City has previously obligated \$4,235,000 in Federal Surface Transportation Program (STP) funds with a City match of \$660,954 in Roads Capital Funds to design the SR523 (N/NE 145th Street) Aurora to I-5 Project (145th Corridor Project). Tonight, under a separate agenda item, staff is requesting an amount of \$663,621 from State Connecting Washington funds to be obligated to complete design (no local match is required). The total project budget for design of the 145th Corridor Project is \$5,559,575.

The City has received \$12.5 million in State Connecting Washington funds for this biennium. This agenda item would obligate the balance of the \$12.5 million in State Connecting Washington funding, in the amount of \$11,836,379, for ROW acquisition for Phase 1 of the 145th Corridor Project. There is no local match for these State funds.

If the Council chooses not to authorize this agreement which obligates \$11,836,379 of Connecting Washington state funding for ROW acquisition for Phase 1, the entire project funding could be jeopardized. It is unlikely the City would be able to replace that funding with another source, and if the City were not able to complete the 145th Corridor Project through construction, all federal funds reimbursed to date would need to be paid back to the State.

RECOMMENDATION

Staff recommends that Council move to authorize the City Manager to execute an agreement with the Washington State Department of Transportation to obligate \$11,836,379 of State Connecting Washington funds for right-of-way acquisition for SR523 (N/NE 145th Street) Aurora Avenue to I-5 Project, Phase 1 (I-5 to Corliss Avenue).

Approved By: City Manager ***DT*** City Attorney ***MK***

INTRODUCTION

The City of Shoreline is currently designing improvements for the SR523 (N/NE 145th Street) Aurora Avenue N to I-5 Project (145th Corridor Project). Similar to the Aurora Project, ROW acquisition and construction will be completed in phases. This staff report requests authorization to obligate ROW funding for Phase 1, I-5 to Corliss Avenue.

BACKGROUND

The 145th Corridor Project is currently under design and utilizing both Federal STP and local funds. These funds were discussed and approved for obligation on [May 2, 2016](#). WSDOT agreement LA-8901 was executed and funding became effective June 9, 2016. A Supplement No. 1 was executed on November 12, 2019 to extend the project agreement end date to December 31, 2024. In addition, in a separate agenda item tonight, staff is requesting obligation of a portion of State Connecting Washington funding, an amount of \$663,621, to complete design of the 145th Corridor Project.

The City has developed a strategy similar to the Aurora Corridor Project to make the construction of the 145th Corridor Project financially achievable. It has been determined that acquiring ROW and completing construction of the corridor in separate phases would spread out costs and resource needs and better affords the possibility of additional grant funding.

The City has worked with our Metropolitan Planning Organization (MPO), the Puget Sound Regional Council (PSRC), which conducts long range planning for growth management and transportation in our region. City projects must be included as part of PSRC planning in order to be eligible for various funding. Both PSRC and WSDOT have confirmed the City's approach to phase the delivery of the 145th Corridor Project for ROW and construction.

The phases are as follows:

- Phase 1: I-5 to Corliss Avenue (145th Interchange Project Interface to Corliss Avenue)
- Phase 2: Corliss Avenue to Wallingford Avenue
- Phase 3: Wallingford Avenue to SR-99 (Aurora Ave/Interurban Trail)

Tonight, the balance of \$11,836,379 from the \$12.5 million available this biennium for State Connecting Washington funding is being requested to obligate ROW for Phase 1 (I-5 to Corliss Avenue).

DISCUSSION

Design of the 145th Corridor Project has passed the 30% design stage and is progressing towards completing 60% design for the entire corridor. After the corridor is advanced to the 60% design level, final design will be progressed for each phase sequentially. Final design for Phase 1 is anticipated to be completed near the end of

January 2021. Final design of the entire 145th Corridor project is currently scheduled to be completed by December 2024.

The Right-of-Way Plan and Project Estimate (PFE) for Phase 1 were approved by WSDOT on February 7, 2020, and the Relocation Plan was approved on February 10, 2020. Environmental documentation, NEPA (National Environmental Policy Act), was approved by WSDOT on August 5, 2020. All of these approved documents are required for ROW obligation. Depending on execution of the attached agreement and receipt of an authorization letter from WSDOT, staff anticipates being able to begin ROW acquisition in October 2020.

Phase 1 is fully funded for ROW acquisition with State Connecting Washington funding. Shoreline has \$12.5 million in each of two consecutive biennia to be applied anywhere along the corridor. The balance of State Connecting Washington funding in the 2nd biennium allotment is currently targeted for construction of Phase 1 along with Federal funding yet to be secured. The City will continue to pursue any available grant funding. If State Connecting Washington funds can be replaced with another grant source, some State funding can be pushed to another phase.

As noted above, staff is requesting that Council authorize the City Manager to execute an agreement with WSDOT (Attachment A) to obligate \$11,836,379 of State Connecting Washington funding for ROW acquisition for Phase 1 of the SR523 (N/NE 145th Street) Aurora Avenue N to I-5 Project. In accordance with the City's Grants Management Policy and Procedure, grant agreements for Capital Improvement Program projects require Council action for City Manager signature/approval authority following the dollar allocation for Small Works Projects which is currently set at \$350,000.

COUNCIL GOAL(S) ADDRESSED

The 145th Street project directly supports two of the City Council goals:

- Goal 2 - Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment. *(145th Street is currently inadequate for both motorized and non-motorized users)*
- Goal 3 - Continue preparation for regional transit in Shoreline. *(145th Street will serve as the primary east-west connection to the future Shoreline South/145th Street Sound Transit light rail station)*

RESOURCE/FINANCIAL IMPACT

The City has previously obligated \$4,235,000 in Federal Surface Transportation Program (STP) funds with a City match of \$660,954 in Roads Capital Funds to design the SR523 (N/NE 145th Street) Aurora to I-5 Project (145th Corridor Project). Tonight, under a separate agenda item, staff is requesting an amount of \$663,621 from State Connecting Washington funds of to be obligated to complete design (no local match is required). The total project budget for design of the 145th Corridor Project is \$5,559,575.

The City has received \$12.5 million in State Connecting Washington funds for this biennium. This agenda item would obligate the balance of the \$12.5 million in State

Connecting Washington funding, in the amount of \$11,836,379, for ROW acquisition for Phase 1 of the 145th Corridor Project. There is no local match for these State funds.

If the Council chooses not to authorize this agreement which obligates \$11,836,379 of Connecting Washington state funding for ROW acquisition for Phase 1, the entire project funding could be jeopardized. It is unlikely the City would be able to replace that funding with another source, and if the City were not able to complete the 145th Corridor Project through construction, all federal funds reimbursed to date would need to be paid back to the State.

RECOMMENDATION

Staff recommends that Council move to authorize the City Manager to execute an agreement with the Washington State Department of Transportation to obligate \$11,836,379 of State Connecting Washington funds for right-of-way acquisition for SR523 (N/NE 145th Street) Aurora Avenue to I-5 Project, Phase 1 (I-5 to Corliss Avenue).

ATTACHMENTS

Attachment A - SR 523 Aurora Avenue to I-5 Project Phase 1 WSDOT Local Programs State Funding Agreement and Project Prospectus



Local Programs State Funding Agreement Work by Public Agencies		Agency and Address City of Shoreline 17500 Midvale Avenue N Shoreline, WA 98133
Agreement Number	Maximum Amount Authorized \$11,836,379.00	Location and Description of Work (See also Exhibit "A") Right-of-Way Acquisition for the State Route 523 (N/NE 145th St), Aurora Avenue N to I-5, Phase 1 (I-5 to Corliss Avenue).
Participating Percentage 100%	Project Number STPU-0523(010)	

This AGREEMENT is made and entered into this _____ day of _____, 2020 between the STATE OF WASHINGTON, Department of Transportation, acting by and through the Secretary of Transportation, hereinafter called the "STATE," and the above named organization, hereinafter call the "AGENCY."

WHEREAS, the AGENCY is planning the work shown above, and in connection therewith, the AGENCY has requested financial assistance for the project or program, and

WHEREAS, the AGENCY has requested funds for the above shown project or program, which has been selected by the STATE for funding assistance.

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein, or attached and incorporated and made a part hereof, IT IS MUTUALLY AGREE AS FOLLOWS:

Type of Work		Estimate of Funding		
		(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated State Funds
PE	a. Agency			
	b. Other			
	c. Other			
	d. State			
	e. Total PE Cost Estimate (a+b+c+d)			
Right of Way	f. Agency	\$120,000	0	\$120,000
	g. Other Consultant	\$378,510	0	\$378,510
	h. Other ROW acquisition	\$11,337,869		\$11,337,869
	i. State			
	J. Total RW Cost Estimate (f+g+h+i)	\$11,836,379	0	\$11,836,379
Construction	k. Contract			
	l. Other			
	m. Other			
	n. Other			
	o. Agency			
	p. State			
	q. Total CN Cost Estimate (k+l+m+n+o+p)			
	r. Total Project Cost Estimate (e+j+q)	\$11,836,379	0	\$11,836,379

**I
General**

The AGENCY agrees to perform the above described work in accordance with the Project Application attached hereto as "Exhibit A" and made a part of this AGREEMENT.

Plans, specifications, and cost estimates shall be prepared by the AGENCY in accordance with the current State of Washington Standard Specifications for Road, Bridge, and Municipal Construction and adopted design standards, unless otherwise noted. The AGENCY will incorporate the plans and specifications into the AGENCY's project and thereafter advertise the resulting project for bid and, assuming bids are received and a contract is awarded, administer the contract, or if the project is of a size which the AGENCY is authorized to perform with its own forces under the laws of the State of Washington, the AGENCY may proceed with its own forces.

All work performed under this AGREEMENT shall comply with the applicable provisions of state law.

**II
Payment**

The STATE, in consideration of the faithful performance of the work to be performed by the AGENCY, agrees to reimburse the AGENCY for the percentage of the actual direct and related indirect cost of the work shown above, up to the "MAXIMUM AMOUNT AUTHORIZED". The agency will comply with Governmental Accounting Auditing and Financial Reporting Standards and applicable state law and local regulations, policies and procedures. No payment will be made for work done prior to execution of this AGREEMENT.

Partial payments shall be made by the STATE, upon request of the AGENCY, to cover costs incurred. These payments are not to be more frequent than one (1) per month. It is agreed that any such partial payment will not constitute agreement as to the appropriateness of any item and that, at the time of the final audit, all required adjustments will be made and reflected in a final payment. The AGENCY agrees to submit a final bill to the STATE within forty-five (45) days after the AGENCY has completed work.

The AGENCY agrees that all costs in excess of the amount authorized and the AGENCY's matching funds shall be the responsibility of the AGENCY.

**III
Audit**

The AGENCY agrees that an audit may be conducted by the STATE. During the progress of the work and for a period not less than three (3) years from the date of final payment to the AGENCY, the records and accounts pertaining to the work and accounting thereof are to be kept available for inspection and audit by the STATE and copies of all records, accounts, documents, or other data pertaining to the project will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until all litigation, claim, or audit finding has been resolved even though such litigation, claim, or audit continues past the three-year retention period.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the day and year last written below.

AGENCY

By: _____

Title: **City Manager, City of Shoreline**

Date: _____

**IV
Legal Relations**

No liability shall attach to the AGENCY or the STATE by reason of entering into this AGREEMENT except as expressly provided herein.

**V
Nondiscrimination**

The AGENCY agrees to comply with all applicable state and federal laws, rules, and regulations pertaining to nondiscrimination and agrees to require the same of all subcontractors providing services or performing any work using funds provided under this AGREEMENT.

**VI
Venue**

For the convenience of the parties to this AGREEMENT, it is agreed that any claims and/or causes of action which the AGENCY has against the STATE, growing out of this AGREEMENT or the project or program with which it is concerned, shall be brought only in the Superior Court for Thurston County.

**VII
Termination**

The Secretary of the Department of Transportation may terminate this AGREEMENT if the funding becomes unavailable or if the Secretary determines that it is in the best interest of the STATE.

**VIII
Final Report and Final Inspection**

Within ninety (90) days following the completion of the project and submission of the final billing for the project, a final report and/or final inspection shall be submitted to the Director, Highways & Local Programs containing the following information:

Non-Capital Projects

1. A description of the project or program.
2. A summary of actual costs of the project or program.
3. An evaluation of the project or program. This should address aspects such as transportation and/or other benefits to the public.

Capital Projects

1. A final inspection is required.

**IX
Supplement**

This agreement may be modified or supplemented only in writing by parties.

STATE

By: _____
Director, Local Programs

Date: _____



**Local Agency Federal Aid
Project Prospectus**

Prefix	Route	()	Date	8/3/2020
Federal Aid Project Number STPU	0523	()	DUNS Number	961859345
Local Agency Project Number 2916322	(WSDOT Use Only)		Federal Employer Tax ID Number	91-1683888

Agency City of Shoreline	CA Agency <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other			
Project Title SR523(Aurora to I-5) Phase 1(I-5 to Corliss)		Start Latitude N 47.73 End Latitude N 47.73	Start Longitude W 122.33 End Longitude W 122.32		
Project Termini From-To Interstate 5 (3rd Ave) Corliss Avenue		Nearest City Name Shoreline	Project Zip Code (+4) 98133 - multi		
Begin Mile Post ~MP 0.87	End Mile Post ~MP 0.6	Length of Project 0.27 miles	Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad		
Route ID SR 523	Begin Mile Point SR523 ~MP 0.87	End Mile Point SR523~MP0.6	City Number 1169	County Number 17	County Name King
WSDOT Region Northwest Region	Legislative District(s) 32	Congressional District(s) 7		Urban Area Number 1	

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date	
				Month	Year
P.E.					
R/W	\$13,572,610	\$13,572,610	0	Sept	2020
Const.	\$11,128,200	\$6,872,395	\$4,255,800	June	2022
Total	\$24,700,805	\$20,445,005	\$4,255,800		

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width
60 feet

Number of Lanes
4

145th Street is an existing 4-lane roadway. It lacks a sidewalk system that complies with ADA requirements. There are no bicycle lanes along the corridor. Accident rates are high for this type of facility.

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)

Scope includes ROW and CN for Phase 1 (I-5 to Corliss Ave), SL-16A. Design elements include roadway/intersection, signal, channelization, pedestrian, and bicycle facility improvements. PE for the full length of the corridor is programmed under LA-8901, SR523 (N/NE 145th St), Aurora to I-5 (SL-16).

Local Agency Contact Person Robert Victor	Title Capital Projects Manager	Phone (206) 801-2451
Mailing Address 17500 Midvale Ave N	City Shoreline	State WA
	Zip Code 98133	

Project Prospectus	By _____ Approving Authority
	Title City Manager _____ Date _____

Agency City of Shoreline	Project Title SR523(Aurora to I-5) Phase 1(I-5 to Corliss)	Date 8/3/2020
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Type of Proposed Work		
Project Type (Check all that Apply)	Roadway Width	Number of Lanes
<input type="checkbox"/> New Construction <input type="checkbox"/> Path / Trail <input type="checkbox"/> 3-R <input checked="" type="checkbox"/> Reconstruction <input checked="" type="checkbox"/> Pedestrian / Facilities <input type="checkbox"/> 2-R <input type="checkbox"/> Railroad <input type="checkbox"/> Parking <input type="checkbox"/> Other <input type="checkbox"/> Bridge	48 - 60 feet	4 - 5

Geometric Design Data		
Description	Through Route	Crossroad
Federal Functional Classification	<input checked="" type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> NHS	<input checked="" type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input checked="" type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input checked="" type="checkbox"/> Local Access <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural <input checked="" type="checkbox"/> NHS
Terrain	<input type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	35 mph	various, 25 to 35 mph
Design Speed	35 mph	various, 25 to 35 mph
Existing ADT	26,000 - 30,000	3900 (1st Av) 14,000 (I-5 SB ramp)
Design Year ADT	34,000 - 38,000	5800 (1st Av) 20,000 (I-5 SB ramp)
Design Year	2040	2040
Design Hourly Volume (DHV)	2,800 - 3,600	640 (1st Ave) 1,500 (I-5 SB ramp)

Performance of Work		
Preliminary Engineering Will Be Performed By Consultant Services	Others 70 %	Agency 30 %
Construction Will Be Performed By	Contract %	Agency %

Environmental Classification	
<input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement <input type="checkbox"/> Class III - Environmental Assessment (EA) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreements	<input checked="" type="checkbox"/> Class II - Categorically Excluded (CE) <input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)

Environmental Considerations

Agency City of Shoreline	Project Title SR523(Aurora to I-5) Phase 1(I-5 to Corliss)	Date 8/3/2020
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Right of Way

<input type="checkbox"/> No Right of Way Needed * All construction required by the contract can be accomplished within the exiting right of way.	<input checked="" type="checkbox"/> Right of Way Needed <input type="checkbox"/> No Relocation	<input checked="" type="checkbox"/> Relocation Required
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<p>Utilities</p> <input type="checkbox"/> No utility work required <input type="checkbox"/> All utility work will be completed prior to the start of the construction contract <input checked="" type="checkbox"/> All utility work will be completed in coordination with the construction contract	<p>Railroad</p> <input checked="" type="checkbox"/> No railroad work required <input type="checkbox"/> All railroad work will be completed prior to the start of the construction contract <input type="checkbox"/> All the railroad work will be completed in coordination with the construction contract
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Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

Will be determined as part of design (LA-8901, SL-16).

FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

Remarks

The City is designing improvements for the SR523 (N/NE 145th Street), Aurora Avenue N to I-5 project (SL-16) under LA-8901. Final project delivery will be by phasing ROW and CN into three corridor segments (each phased segment will require a separate agreement through CN):

PHASE 1 (SL-16A) – I-5 to Corliss Avenue (145th Interchange Project Interface to Corliss Avenue)
 PHASE 2 (SL-16B) – Corliss Avenue to Wallingford Avenue
 PHASE 3 (SL-16C) – Wallingford Avenue to SR-99 (Aurora Ave/Interurban Trail)

This prospectus and local agency agreement is for Phase 1, I-5 to Corliss Avenue (SL-16A)

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency City of Shoreline

Date

By _____
 Mayor/Chairperson