



CITY OF KIRKLAND
Public Works Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Pam Bissonnette, Interim Public Works Director
Dave Snider, P.E., Capital Projects Manager
Kari Page, Cross Kirkland Corridor Coordinator

Date: April 23, 2014

Subject: Cross Kirkland Corridor Update

RECOMMENDATION:

It is recommended that the City Council receives an update on the Cross Kirkland Corridor (CKC) Interim Trail construction schedule, the South Kirkland TOD CKC Multi-Modal Bridge Project, Decant Facility, and three small improvement projects on the CKC.

1. Interim Trail Construction Schedule: At their regular meeting of February 4, 2014, City Council received a staff update on the status of anticipated bid/award timing for the Interim Trail construction project. With the favorable resolution of questions concerning Section 106 permitting (historical/archeological resources), staff believed the matter had been fully resolved and no further schedule impacts would be encountered. Subsequently, the funding agency (WSDOT/Federal CMAQ) initiated a "re-set" of the process in order to fully document compliance with the Section 106 requirements. As a result, staff was required to re-submit paperwork which led to an estimated one-month delay before final approval and permit processing is completed by the Federal agency, as is needed before the Project is eligible to be advertised. The February 4 City Council update identified May 6 as the targeted City Council award date for the Interim Trail contract. However, with the added efforts to meet the newest Federal demand, staff is now looking for a bid advertisement and follow-on award recommendation for the City Council meeting of June 3, 2014. With this added delay, construction would begin in late June or early July followed by completion in fall, 2014.

2. South Kirkland TOD CKC Multi-Modal Bridge: As part of the 2013-2018 Amended CIP process, staff created a new CIP project to design and construct an ADA-compliant pedestrian bridge between the recently completed new parking garage at the South Kirkland Park & Ride/Transit Center and the CKC trail. As approved by City Council on December 10, 2013, the South Kirkland Transit Oriented Development /Cross Kirkland Corridor Multi-Modal Connection Project (NM 0084) also provides for the design and construction of an elevator-and-stairway tower near the north corner of the parking garage to achieve the elevation change between the garage and the CKC trail.

The Project is currently funded through a \$1.3 million State appropriation administered by the State Department of Commerce and \$150,000 in funding through a recent King County budget

adjustment. The State Department of Commerce administration costs for the State appropriation reduced that funding amount to \$1.26 million, and the County funding was awarded after the Amended CIP adoption. An Interlocal Agreement with King County will be necessary to take receipt of County funding. A request for \$200,000 through a State appropriations budget clarification was not approved during the most recent State legislative session. Consequently, the total external funding for the project budget is currently \$1.41 million. Staff is still exploring options for additional external funding sources. Staff will return to City Council with a revised project funding matrix once all external funding amounts and sources are established.

Since being approved by City Council in December, City staff and King County staff are negotiating the conditions of a Memorandum of Understanding between the City and County for this project, which will include securing the required property rights for construction, project management and maintenance. City staff selected KPG, Inc. to lead an engineering team that began the engineering and architectural design in March, 2014.

The current schedule for this elevator tower and pedestrian bridge project shows the engineering and architectural design extending from March 2014 to approximately February 2015. In addition to more conventional permitting requirements, the design phase of the project is anticipated to incorporate cooperative concept and design reviews by the Cities of Bellevue and Kirkland, King County, Sound Transit, and other local community and private interests. The construction phase is anticipated to take approximately six to nine months during 2015. A more accurate and comprehensive construction schedule will be developed once the design is finalized and construction materials and methods are selected.

3. Decant Expansion Project: In February of this year, staff reported to City Council on the progress of a new Kirkland Decant Expansion Project. The new Project was being developed to increase the capacity of the City's existing decant facility in order to help handle the additional maintenance load resulting from annexation. The Decant Expansion Project is a funded CIP project with a combination of City Surface Water Utility funds and a Department of Ecology Stormwater grant for 75% of the estimated \$1.26 million project cost.

The City's existing decant facility is located in the Maintenance Center yard and, as reported in February, in order to expand the facility, an administrative lot-line consolidation between the Maintenance Center and the west property line of the CKC would be needed in order to meet building setback requirements in the City's code.

The expanded decant facility will:

- add additional detention/settlement vaults and ultrasonic flow meters to allow for an increase in the permitted daily discharge of waste water from storm system cleaning,
- add water quality improvements to surface water leaving the site and entering the storm system,
- increase the capacity of the solids settling structure for materials cleaned from the storm system, and
- provide a new truck scale to aid in more accurately measuring volumes of material collected, treated and disposed of.

As also reported in February, a final component of the Decant Project was the addition of temporary dry storage along the property line separating the CKC and the Maintenance Center.

The storage facility was planned to be constructed such that it could be dismantled at a later date and removed from the CKC if necessary, and the concept included a green roof of drought-resistant plantings and a "Living Wall" of plantings to camouflage the structure side facing the CKC. Through the design process, however, the cost of this element became too large for the Project's overall budget and has been removed from the overall Project scope.

In another design development issue, a potential soil/water hydrocarbon contamination issue was discovered during soils testing and is currently being investigated further. The initial reports are that the percentage level of contaminant is above required clean-up levels and staff is working with a local geotechnical consultant to develop a new action plan and probable cost of clean-up and/or mitigation. The Project budget does not include funding for contamination clean-up and, as a result, staff will return to City Council with the results of the final assessment together with options for moving forward on any necessary site clean-up and/or mitigation.

4. Milepost markers: The milepost markers requested at the January CKC Brown Bag lunch have been installed every .25 miles from the south end of the CKC at 108th Avenue NE to the north end at Slater Avenue. The twenty-three ¼ mile markers are located at least 10-14 feet from the center line of the existing rail bed to avoid Interim Trail construction conflicts.



Milepost Markers on the CKC

5. Lakeview Elementary School connection: The fenced gravel pathway along the property line between SRM and Lakeview Elementary School has been installed by SRM. This temporary walkway will remain until the permanent trail with landscaping is constructed by SRM in 2015 as part of Google Phase 2.



Trail to Lakeview Elementary School

6. Earth Day CKC litter pick-up event: The Brownie Troop Leader for Troop 40541 attended the March Brown Bag lunch to discuss the Troop's experience with litter on the CKC during their hike. Other lunch participants and staff offered to help the Troop organize a community wide Earth Day CKC litter pick-up event. The event was scheduled for Sunday, April 27 9:30-11:30am. Adopt-a-trail volunteers were invited to help and the Public Works Department administered the necessary waivers, equipment, supplies, and pick-up.

7. Art with salvaged rail material: Local artist Merrily Dicks challenged the Kirkland community to collect miscellaneous rail material remaining on the trail after the rail removal contractor left the site. Ms. Dicks said she would create a sculpture for Kirkland with the discarded material if the community would gather the material. In response and in the interest of keeping the trail green and salvaging the material, buckets were placed at four of the five large CKC signs. After two



Brownie Troop at City Council meeting

months, volunteers collected eight boxes of spikes and plates deposited in the buckets by walkers. Merrily Dicks will be starting the sculpture project this spring and anticipates completion by the Interim Trail opening celebration this fall.

8. Wayfinding signs: The Highlands Neighborhood Associations decided the wayfinding signs were more than their budget could handle this year. The estimate to install two wayfinding signs (one at the top of stairs at 100th Street in Highlands Neighborhood and the other on the CKC where Cotton Hill trail intersects the CKC) is between \$500 and \$700. The City will await grant opportunities to fund a more comprehensive wayfinding plan and strategy for implementation.



Example of Wayfinding Signs

9. Sound Transit review of the Interim Trail: As part of both the Eastside Rail Corridor Regional Advisory Committee (RAC) process and Sound Transit's transportation easement, Kirkland presented detailed plans for the Interim Trail to Sound Transit for review and comment in February of 2014. On Friday, April 4, Kirkland received two letters from Sound Transit, the first declaring the CKC a "planned easement area" under the Sound Transit easement, and the second "approving" Kirkland's Interim Trail but with several challenging conditions. The timing and content of the letters were unexpected. Taken together, the two letters impact Kirkland's rights on the CKC and potentially create a financial liability for Kirkland to move the Interim Trail at the City's expense if the project proceeds as planned and Sound Transit eventually located a light rail or other transit facility on the Corridor. Kirkland staff do not believe we should have any financial liability to move and replace the Interim Trail and also disagree with several of the assertions in the Sound Transit letter. Subsequent meetings and phone calls with Sound Transit staff have clarified the issues somewhat, but they are not yet fully resolved. The good news is that Sound Transit did not intend to create financial liability for Kirkland around the Interim Trail and is willing to make that clear in official communications to the City. Other issues may remain in dispute. Sound Transit and Kirkland staff are hoping to have resolution to as many issues as possible by the May 6 Council meeting and an update will be provided as part of the presentation.

10. Surface Transportation Board and Litigation Reserve Update: Ballard Terminal Railroad Co. ("Ballard") filed its request to reactivate the Woodinville to Bellevue portion of the Eastside Rail Corridor with the federal Surface Transportation Board ("STB") in April 2013. Originally, the STB was scheduled to make a final decision on Ballard's reactivation request on January 17, 2014, but in January the STB ruled that the parties should conduct additional discovery and submit briefing on new information submitted by Ballard to the STB. The attorneys for the City, King County and Sound Transit submitted their briefing to the STB on March 6, 2014 and Ballard replied on March 21, 2014. The parties now await a ruling from the STB.

The proceedings before the STB have involved numerous complex factual and legal issues. Extensive discovery, including numerous depositions, have been required to fully assess Ballard's claim that there is demand for freight service and that Ballard has the financial wherewithal to provide freight service. City staff believes that the City, King County and Sound

Transit have made a strong case that there is no legitimate demand for freight service and that Ballard does not have the financial resources to provide freight service.

Through March 31, 2014, the legal fees and costs incurred by the City with respect to Ballard's reactivation request total \$441,532. Included in this amount are the fees incurred in connection with Ballard's request for an injunction in Federal District Court, which was dismissed by the Court in June 2013. If the STB denies Ballard's reactivation request, there likely will not be significant additional legal costs to the City unless Ballard appeals. Even if Ballard does appeal, the appeal would be based on factual record developed before the STB and would not involve additional discovery.

While the litigation reserve was replenished as part of the mid-biennial budget update, the most recent legal costs are likely to deplete the balance. A full analysis of the litigation reserve balance will take place in the coming weeks and, if necessary, additional replenishment recommendations will be brought forward as part of the mid-year budget adjustments in June.