

## CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of a Utility Construction Agreement, UTB 1510, between the Washington State Department of Transportation (WSDOT) and the City of Bellevue for shared reimbursement costs associated with utility relocations during the WSDOT Sunset Creek Fish Habitat Enhancement Project (FHEP), for which the City's responsible share shall not exceed \$3,701,260.00, plus all applicable taxes.

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*Utilities Department*

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## EXECUTIVE SUMMARY

This Resolution authorizes an agreement between WSDOT and the City of Bellevue for shared reimbursement costs associated with relocation of water and sewer infrastructure and communications fiber for the Sunset Creek FHEP.

## RECOMMENDATION

Move to adopt Resolution No. 10124

## BACKGROUND/ANALYSIS

### **WSDOT Fish Habitat Enhancement Projects (FHEP)**

As part of the state's fish recovery efforts, WSDOT has made it a priority to reconnect waterways where its road culverts act as fish passage barriers. Since 1991, when WSDOT created a dedicated program, 344 barriers have been corrected, opening a total of 1,161 miles of fish habitat.

While WSDOT has made progress since 1991, 21 northwest Washington tribes asked the U.S. District Court to find that the State of Washington has a treaty-based duty to preserve fish runs. As a result, a 2013 federal court injunction (United States, et al. vs. Washington, et al. No. C70-9213) requires WSDOT to speed up its fish passage work in Western Washington. WSDOT is now working with treaty tribes on a project delivery plan to open 90 percent of habitat blocked by state culverts by 2030. This requires a significant acceleration of the fish passage work.

In Western Washington, that means building thousands of fish passable structures under state highways in the next decade to create habitat gains essential to meeting state recovery goals. Starting in late 2022, WSDOT will build eight such structures under Interstate 90 and local roads in East King County to open water flow in Sunset and Lewis Creeks.

### **Sunset Creek Fish Passage Project**

Culverts on Interstate 90 at Sunset Creek in Bellevue have been identified as fish passage barriers by the Washington Department of Fish and Wildlife (WDFW). The Sunset Creek culvert crossing is in the

Factoria community, approximately a half-mile east of the I-90/I-405 interchange.

This project will replace the existing 36-inch and 48-inch culverts under I-90 with a new open stream channel at least 60 feet deep and with two bridge spans of at least 55 feet in length. WSDOT will also build fish-passable structures under SE Eastgate Way and SE 36<sup>th</sup> Street for a total of four stream crossings. Upon completion of the project, WSDOT's contractor will return roadways, sidewalks, and trails to their configuration prior to construction.

### **Utility Construction Agreement (UTB 1510)**

The project will require relocation of City facilities within WSDOT right-of-way and City of Bellevue right-of-way. This agreement will obligate the City to reimburse WSDOT, in accordance with State regulations and franchise requirements, for relocating and improving existing City infrastructure as follows:

- Water main at SE 36<sup>th</sup> Street – relocation costs
- Sanitary sewer across I-90 – betterment cost to upsize to 16-inch diameter main (WSDOT to pay for relocation costs)
- Sewers along Sunset Creek in City right-of-way or adjacent easements – relocation costs
- City-owned telecommunications conduit at Eastgate Way and SE 36<sup>th</sup> Street – relocation costs

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

City Comprehensive Plan policies: Provide reliable water and sewer services for domestic use, fire flow protection, and emergencies.

Utilities Department Policies: To invest resources as necessary to construct, maintain, and renew water and sewer system infrastructure and equipment so that Utility customers are provided with consistent, reliable service.

### **Fiscal Impact**

This agreement obligates the City to reimburse WSDOT for relocating City-owned sanitary sewer within WSDOT limited access right-of-way that will be impacted by the Fish Habitat Enhancement Project at Sunset Creek.

WSDOT will relocate the sanitary sewer crossing I-90 and pay for relocation costs of \$3,693,028.27. The City will pay for upsizing this sanitary sewer and for relocation of other sanitary sewers in City right-of-way or easements at an estimated cost of \$2,530,000.15. This is funded through the Sewer System Pipeline Major Repairs Program (CIP Plan No. S-24). Sufficient funds are available in the 2021-2027 CIP Budget to fund this agreement.

This agreement also obligates the City to reimburse WSDOT for relocating City-owned waterlines within WSDOT right-of-way at SE 36<sup>th</sup> Street. WSDOT will relocate the waterlines at an estimated cost of \$1,100,003.54. This is funded through the Water Main Replacement Program (CIP Plan No. W-16). Sufficient funds are available in the 2021-2027 CIP Budget to fund this agreement.

This agreement also obligates the City to reimburse WSDOT for relocating City-owned communications fiber within WSDOT Limited Access at SE 36<sup>th</sup> Street. The City's share of the estimated cost for relocating the fiber is \$71,255.72. Sufficient funds exist in the 2021-2027 General CIP Smart Mobility Plan Implementation Program (CIP Plan No. PW-R-156) to fully cover this cost.

## **OPTIONS**

1. Adopt the Resolution authorizing execution of a Utility Construction Agreement, UTB 1510, between the Washington State Department of Transportation (WSDOT) and the City of Bellevue for shared reimbursement costs associated with utility relocations during the WSDOT Sunset Creek Fish Habitat Enhancement Project (FHEP), for which the City's responsible share shall not exceed \$3,701,260.00, plus all applicable taxes.
2. Do not adopt the Resolution and provide alternative direction to staff

## **ATTACHMENTS**

- A. Vicinity Map
  - B. CIP Project Descriptions
- Proposed Resolution No. 10124

## **AVAILABLE IN COUNCIL LIBRARY**

Utility Construction Agreement UTB 1510