

CITY COUNCIL REGULAR SESSION

Ordinance 1) amending the 2019-2025 Capital Investment Program (CIP) Plan to reduce the scope and budget for design of the Mountains to Sound Greenway trail project (CIP Plan No. PW-W/B-78) by \$533,000 to reflect the return of \$653,000 in federal grant funds awarded for the design of trail segments east of 150th Avenue SE, offset by a \$120,000 budget transfer from the Eastgate Subarea Plan Implementation project (CIP Plan No. PW-R-177); and, 2) amending the 2019-2020 General CIP Fund appropriation to decrease by \$653,000.

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Transportation Department

EXECUTIVE SUMMARY

This Ordinance amends the CIP budget and scope for the Mountains to Sound Greenway Project to reflect the return of federal grant funds awarded for the design of trail segments to the east of 150th Avenue SE. Federal Highway Administration rules require the return or repayment of awarded design phase funding if the project has not or cannot reasonably advance toward implementation.

RECOMMENDATION

Move to adopt Ordinance No. 6479
If approved, effective date: 10/31/2019

BACKGROUND/ANALYSIS**Project and Grant Award Background**

The Mountains to Sound Greenway Trust was organized in 1991 as a set aside from urbanization the forested corridor of I-90 from Seattle through the Cascade Mountains so that current and future generations could always enjoy the scenic, recreational, and historic qualities/amenities along the 100-mile corridor. The Trust's success in conserving more than 130,000 acres of scenic and recreational lands led to the designation of the Mountains to Sound Greenway as a National Scenic Byway in 1998.

On March 24, 2008, staff provided Council with a Management Brief on the partnership with the Mountains to Sound Greenway Trust to apply for a grant from the National Scenic Byways program for a Feasibility and Design study for the three-mile long gap in the Mountains to Sound Greenway regional trail that runs adjacent to I-90 within the Eastgate area of Bellevue.

On September 6, 2011, Council accepted a \$158,312 federal grant (Ordinance No. 6017) for Feasibility and Design study on the three-mile Mountains to Sound Greenway Regional Trail alignment through the Eastgate/I-90 area. The study was completed in December 2012 and included public outreach, conceptual engineering work, and development of an implementation strategy to complete an

alternatives analysis for the alignment selected by the Eastgate/I-90 Land Use and Transportation Plan Technical Advisory Committee in 2011.

On July 15, 2014, Council accepted a \$470,000 federal Transportation Alternatives Program (TAP) grant (Ordinance No. 6165) to advance design and environmental work on the at-grade segments of trail between Factoria Boulevard and 150th Avenue SE. This grant, along with local matching funds, advanced the design of this segment to substantial completion by 2017.

On December 1, 2014, Council passed Ordinance No. 6209 adopting the 2015-2021 CIP Plan which included the Mountains to Sound Greenway Trail Project (CIP Plan No. PW-W/B-78). The 2014 budget update also included \$796,000 in CMAQ grant funds within the 2015-2016 CIP appropriation and the project budget for PW-W/B-78 to advance the design of two additional trail segments: 1) the grade-separated crossing of Factoria Boulevard and I-90/I-405 freeway ramps immediately to the west of Factoria Boulevard; and, 2) the at-grade segment between 150th Avenue SE and the Sunset Pedestrian Bridge. These grant funds were awarded through the Puget Sound Regional Council (PSRC) 2014 King Countywide Non-Motorized grant competition. On February 2, 2015, Council passed Resolution No. 8875 authorizing the two grant agreements necessary to utilize the \$796,000 in 2014 grant awards described above.

On December 5, 2016, Council passed Ordinance No. 6333 adopting the 2017-2023 CIP which included an additional \$400,000 in CMAQ grant funds within the 2017-2018 CIP appropriation and the project budget for PW-W/B-78. These funds were awarded through the PSRC 2016 King Countywide Non-Motorized grant competition and were awarded to complete the design of the trail segment between the Sunset Pedestrian Bridge and the eastern City limit at Lakemont Boulevard. On April 17, 2017, Council passed Resolution No. 9264 authorizing the additional grant agreement necessary to utilize the \$400,000 in 2016 grant award described above.

Current Grant Return Background

The Mountains to Sound Greenway (MTSG) corridor design implementation funding efforts to date have focused on the at-grade segments between Factoria Boulevard and 150th Avenue SE, and the grade-separated crossings of Factoria Boulevard and the I-90/I-405 freeway ramps west of Factoria Boulevard. Construction of the “Factoria Crossing” project (CIP Plan No. PW-W/B-83), extending to 132nd Avenue SE, commenced this year. Two additional construction funding grants were secured in 2019 to continue at-grade trail improvements to the east of 132nd Avenue NE. Local legislation to authorize these new grant agreements and amend the CIP will come forward to Council under separate cover at a later date or dates.

It is currently estimated that additional construction funding totaling \$7 - 9 million will be required to complete construction of at-grade trail improvements just to 150th Avenue SE. Construction of at-grade trail improvements to the east of 150th Avenue SE is currently estimated to require over \$10 million more. It is for these reasons that Transportation staff has determined that returning federal design funding awarded to MTSG trail segments east of 150th Avenue SE is practical and fiscally responsible at this time.

Federal regulations identified as “Program Efficiencies” (reference 23 CFR 102(b)) require that once federal transportation funding is included in a project, the project must start construction within 10 years

of receipt of the federal funds. In 2015, the MTSG trail section between 150th Avenue SE and the Sunset Pedestrian Bridge was awarded federal Congestion Mitigation and Air Quality (CMAQ) funding for design (reference Resolution 8875, February 2, 2015). Then again in 2017, the section immediately east between the Sunset Pedestrian Bridge and Lakemont Boulevard was awarded a second design-phase grant from the same federal funding source (Resolution No. 9264, April 17, 2017). In order to retain the federal funding for these two grants, the City would be required to obtain funding for and initiate construction by 2025 and 2027 respectively. At this time, staff does not foresee procurement of sufficient funding to meeting this deadline. As stewards of public funds, by returning the grants, repaying the approximately \$120,000 in grant funding already spent, the City will reduce the risk of being forced to repay even higher dollar amounts if construction funding is not secured.

Design efforts conducted to date within these eastern trail sections have been focused on completion of the necessary alignment and topographic surveying. This survey work will be archived until future design funding becomes available, and the value of these expenditures will be retained for future use.

POLICY & FISCAL IMPACTS

Policy Impact

The return of these two design-phase grants:

1. Enables the City to allocate current and projected future trail construction funding within the higher priority segments to the west of 150th Avenue SE.
2. Enables the City to return these funds in good faith for viable use elsewhere within the Puget Sound area.
3. Allows the City to remain in good standing for future federal grant programs for which this project may recompile for funding.

Fiscal Impact

Budget Amendment

This action will decrease the project budget for the Mountains to Sound Greenway (MTSG) trail design project (PW-W/B-78) by \$533,000 for a proposed new project budget totaling \$3,028,173. This budget adjustment reflects the return of \$653,000 in Federal CMAQ grant funds awarded for the design of trail segments east of 150th Avenue SE, offset by a \$120,000 budget transfer from the Eastgate Subarea Plan Implementation project (PW-R-177; proposed new project budget totaling \$380,000) to pay for design costs already incurred and previously funded by the CMAQ grants. Returning the grants now reduces the City's risk of having to repay greater amounts in the future if construction funding is not identified by 2025, which is a requirement of the grants. This action will also decrease the 2019-2020 General CIP Fund appropriation by \$653,000.

Scope Amendment

The scope of the MTSG trail design project (PW-W/B-78) will be amended to reflect that the project will now only provide topographic/alignment survey and preliminary design work between 150th Avenue SE and Lakemont Boulevard, rather than fully funding the design of all segments. The remainder of the project scope to complete design from I-405 to 150th Avenue SE remains unchanged.

OPTIONS

1. Adopt the Ordinance 1) amending the 2019-2025 Capital Investment Program (CIP) Plan to reduce the scope and budget for design of the Mountains to Sound Greenway trail project (CIP Plan No. PW-W/B-78) by \$533,000 to reflect the return of \$653,000 in federal grant funds awarded for the design of trail segments east of 150th Avenue SE, offset by a \$120,000 budget transfer from the Eastgate Subarea Plan Implementation project (CIP Plan No. PW-R-177); and, 2) amending the 2019-2020 General CIP Fund appropriation to decrease by \$653,000.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Vicinity Map
 - B. CIP Project Description (PW-W/B-78) – Adopted
 - C. CIP Project Description (PW-W/B-78) – Proposed
 - D. CIP Project Description (PW-R-177)
- Proposed Ordinance No. 6479

AVAILABLE IN COUNCIL LIBRARY

N/A