CITY

Emmett Heath, Chief Executive Officer

November 21, 2016

Mayor Ray Stephanson
City of Everett
2930 Wetmore Ave
Everett, WA 98201

Subject: Agreement, Community Transit Swift II BRT Project

Mayor Stephanson,

Community Transit is in the advanced stages of development for the Swift II BRT project, to provide high capacity transit between the Boeing/Paine Field manufacturing center and the Canyon Park high tech job center. Everett is an important partner in this project, as Swift II will provide significant multimodal capacity on Airport Road in the City and a much higher level of transit service to the Boeing/Paine Field Manufacturing and Industrial Center.

Swift II BRT has been successfully rated by the Federal Transit Administration (FTA) as eligible for Small Starts capital funding to construct the project. Community Transit is working toward final negotiation of a Small Starts Grant Agreement with FTA. A prerequisite to completion of the Small Starts process is securing Agreement from Everett providing assurance of continuing control and maintenance of properties and improvements funded by FTA.

Required points of Agreement between Community Transit and Everett for the Swift II BRT Project are:

1. Community Transit will acquire ROW for and complete construction of Swift II BRT Project corridor stations and associated intersection, lane, pedestrian, signal and stormwater improvements along Airport Road (Attachment A).
2. Upon completion of Swift II BRT Project construction, Community Transit will transfer ownership and maintenance of said ROW and roadway improvements (travel lanes, bus pullouts, sidewalks, traffic and pedestrian signals, stormwater improvements) to Everett.
3. Community Transit will own, operate and maintain Swift II BRT service and station amenities (shelters, benches, fare collection equipment, signage, garbage receptacles) within the Everett ROW.
4. Everett agrees to convey to CT, at no additional cost to CT, an easement or other equivalent property interest which provide for CT's perpetual right of use and occupation of the Everett ROW for the construction, operation, and maintenance of the Swift BRT II Project and of CT-owned improvements. Such conveyed property interest shall ensure that Everett's ROW uses shall not interfere with or diminish CT's use of the ROW for and operation of the Swift BRT II project.

5. Everett agrees to ensure that all improvements, constructed by CT but owned by Everett, shall be continually and perpetually maintained to serve the Swift BRT II Project and shall be continually available for the Swift BRT II Project, unless and until Federal interest in these improvements is extinguished with FTA approval.

6. Everett acknowledges that Community Transit is the recipient of Federal grants through the Federal Transit Administration (FTA). Pursuant to FTA grant requirements, Community Transit must demonstrate and retain continuing control of the use of these federally assisted properties, right-of-way acquisitions, and constructed improvements to the extent satisfactory to FTA as described in FTA Circular's on Grant Management Requirements (FTAC 5010.1D, as amended or revised). Everett agrees that it will not exercise any right permitted under this Agreement in a manner which compromises or otherwise diminishes Community Transit's satisfactory continuing control over the use of Swift BRT II Project property, equipment, and improvements. Satisfactory continuing control is defined as the legal assurance that Project property, or its functional equivalent, will remain available to be used for its originally authorized purpose, as described in the applicable FTA grants, throughout its useful life or until disposition. Everett acknowledges the Federal interest in Project property and agrees that it will take no action which compromises or otherwise diminishes such interest. Everett further agrees and acknowledges to that any incidental use or any use of income generated from Project property requires prior FTA approval.

Agreed to this 29th day of December, 2016.

Community Transit:	City of Everett:
Emmett Heath Chief Executive Officer	Ray Stephanson Mayor

APPROVED AS TO FORM
JAMES D. ILES, City Attorney

Attachments:

A. Swift II BRT Project Everett ROW & Improvement Locations

ATTEST:
City Clerk

Attachment A: Swift II BRT Project – Everett Ownership & FTA Continuing Control

This attachment summarizes Swift II BRT Project elements to be transferred to Everett ownership and requiring assurance to FTA of ongoing maintenance and continuing control.

Project elements to be owned and maintained by Everett include:

- Right-of-way
- Roadway, curb & gutter
- Sidewalk
- Traffic & Pedestrian Signals
- Stormwater systems

Elements shaded in green on the attached aerial map plans.

Location	Direction
Airport Rd at SR 99	Northbound
Airport Rd at 112th St SW	Southbound
Airport Rd at 112th St SW	Northbound
Airport Rd at Kasch Park Rd	Southbound
Airport Rd at Kasch Park Rd	Northbound

Project elements to be owned and maintained by Community Transit include:

Stations, including shelters, benches, garbage bins, railings, wind screens, ticket vending machines, ORCA card readers, information displays, iconic marker/sign, station pavement graphics/texture, curb bumpers.

Elements shaded in blue on the attached aerial map plans.

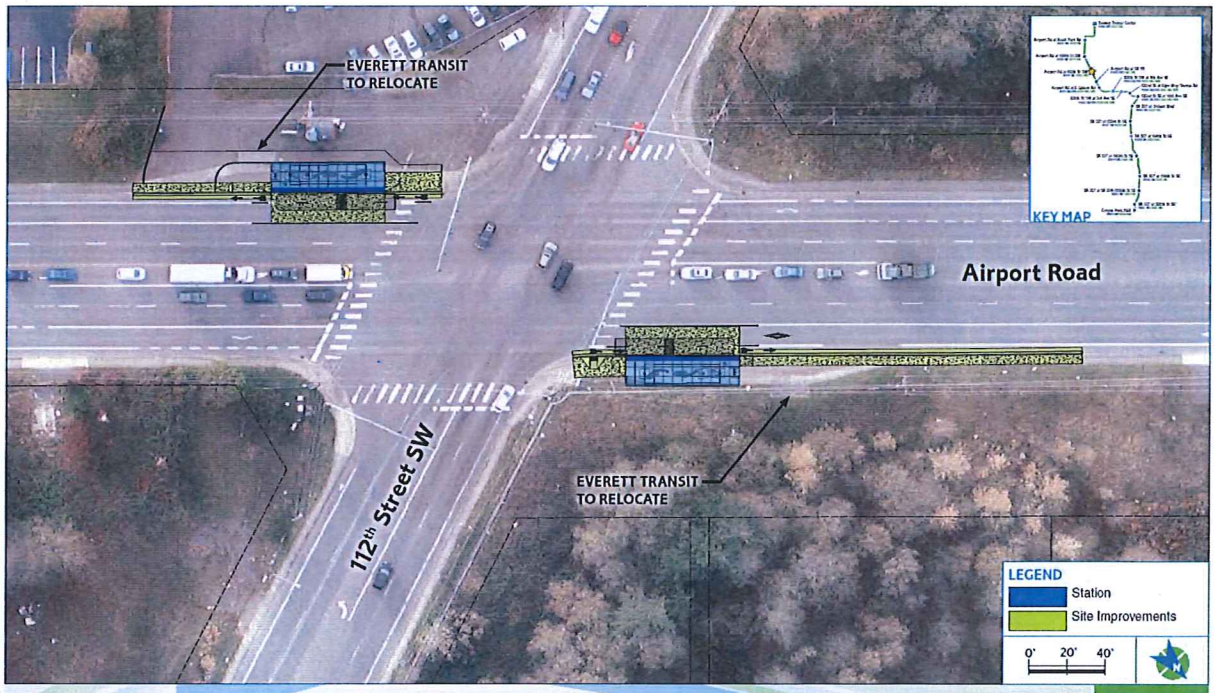
DATE: 10/18/16

Swift BUS RAPID TRANSIT

communitytransit

Airport Road at SR 99

STATION # SB 3040 & NB 3021



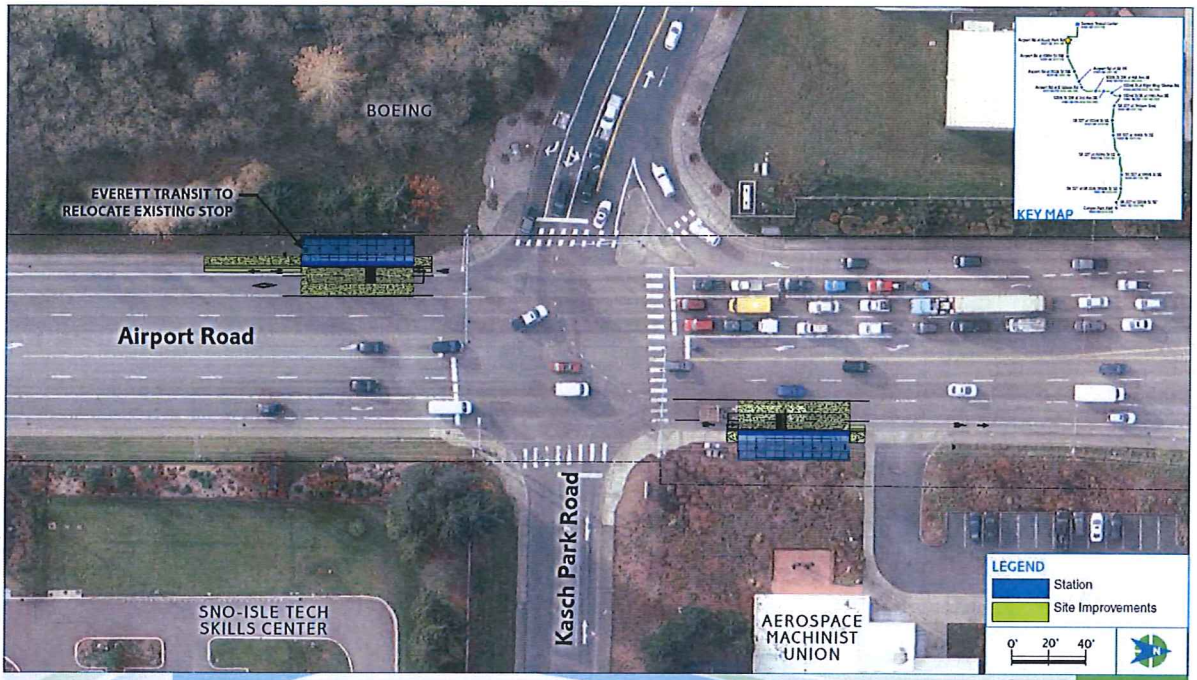
DATE: 10/18/16

Swift
BUS RAPID TRANSIT

community transit

Airport Road at 112th Street SW

STATION #
SB 3039
&
NB 3020



DATE: 10/18/16

Swift BUS RAPID TRANSIT

communitytransit

Airport Road at Kasch Park Road

STATION # SB 3037 & NB 3018

Agreement

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Agreement with Community Transit for the Swift II BRT Project

_____	Briefing
_____	Proposed Action
_____	Consent
_____	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing
_____	Budget Advisory

COUNCIL BILL #	
Originating Department	Public Works
Contact Person	Ryan Sass
Phone Number	425-257-8942
FOR AGENDA OF	December 28, 2016

Initialed by:
Department Head _____
CAA _____
Council President _____

Location	Preceding Action	Attachments	Department(s) Approval
Airport Road	Interlocal Agreement – Oct. 26, 2016	Proposed Agreement	Public Works

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

Community Transit is in the final stages of securing funding for the Swift II BRT Project. The project will provide a high capacity transit system between the Boeing/Paine Field manufacturing center and the Canyon Park high tech job center and provide the benefits of greater capacity and increased levels of service.

As a condition of award of the funding, the Federal Transit Administration (FTA) requires Community Transit to have an agreement in place with the City to assure continued maintenance of the improvements within the public right of way funded by the FTA. A list of the locations is provided in Attachment A of the Agreement.

This Agreement is a replacement of the Interlocal Agreement that was authorized by City Council on October 26, 2016. This new agreement is required due to changes in the form initiated by the FTA.

Council approved on 12/28/2016

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign the Agreement with Community Transit for the Swift II BRT Project.