



May 17, 2005

Jim Jacobson  
King County Metro Transit  
Deputy General Manager  
201 South Jackson Street  
Seattle, WA 98104-3856

Subject: DSTT Master Agreement Contingencies 4.2c, 4.2e, 4.2j, 4.2k and 4.2l

Dear Jim:

This is the third and final letter documenting that Sound Transit has met the thirteen contingencies (4.2 a-m) as outlined in Section 4.0 of the DSTT Master Agreement.

The first concurrence letter dated December 10, 2004 (King County concurred on December 20, 2004) covered the DSTT Master Agreement contingencies for 4.2d – Final Design and Construction Schedule, 4.2h – Assurance Sound Transit will open Initial Segment by July 2010 and 4.2i – Assurance that the DSTT will reopen within two years of the closure date. The second concurrence letter date March 30, 2005 (King County concurred on April 1, 2005) covered the DSTT Master Agreement contingencies for 4.2a – Execution of the Full Funding Grant Agreement with FTA, 4.2b – Permits, street use franchise, authorization, approvals and property interests, 4.2f – Executed procurement contract for the purchase of light rail vehicles, 4.2g – Execution of the Closure, O&M and Express Bus agreements and 4.2m – Authorization that the City, Sound Transit and County can enter into the Master Agreement.

The purpose of this letter is to document that Sound Transit has met the final five DSTT Master Agreement contingencies outlined in Section 4.0:

- 4.2c Satisfactory completion of the Downtown Seattle Traffic and Street Improvements
- 4.2e Agreement on the Tunnel Closure and Interim Bus Operations Plan
- 4.2j Assurance that there are no planned bankruptcy, insolvency, etc. of the three parties
- 4.2k No action has been taken by the Sound Transit Board to stop the project to date
- 4.2l Sound Transit has paid all payments required under the agreement due to date

**Contingency 4.2c – Satisfactory completion of the Downtown Seattle Traffic and Street Improvements**

*Contingency 4.2c states: The Downtown Seattle Traffic and Street Improvements as identified in the DSTT Master Agreement have been satisfactorily completed.*

The Monitor and Maintain (M&M) Committee which is made up of representatives from King County, Sound Transit, the City of Seattle, and Community Transit, have been

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*Pierce County Executive*

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*Mill Creek Councilmember*

Claudia Thomas  
*Lakewood Councilmember*

Pete von Reichbauer  
*Vice Chair, King County Council*

**CHIEF EXECUTIVE OFFICER**

Joni Earl

tracking the progress of the 25 individual projects that comprise the Downtown Seattle Traffic and Street Improvements. In a letter dated May 17, 2005 (see attached), the committee has certified that all the projects are satisfactorily complete and will be physically complete by late July and fully operational by late August.

**Contingency 4.2e – Agreement on the Tunnel closure and Interim Bus Operations Plan**

*Contingency 4.2e states: The County and Sound Transit have agreed in writing to a Tunnel Closure and Interim Bus Operating Plan.*

King County provided Sound Transit with a copy of Metro Transit's September 2005 Service Change Package A on May 11, 2005 for review and comment. In a letter dated May 11, 2005 (see attached), Sound Transit provided its concurrence (5/12/05) with the Tunnel Closure and Interim Bus Operations Plan.

**Contingency 4.2j – Assurance that there are no planned bankruptcy, insolvency, etc. of the three parties**

*Contingency 4.2j states: No bankruptcy, insolvency, dissolution, rearrangement or similar action involving the County, Sound Transit or the Tunnel, whether voluntary or involuntary, is pending, threatened by a third party or contemplated by the County or Sound Transit.*

At this time there are no known bankruptcy, insolvency, dissolution or rearrangement actions involving the County or Sound Transit related to the DSTT including voluntary or involuntary actions pending or threatened by a third party or contemplated by the County or Sound Transit.

**Contingency 4.2k – No action has been taken by the Sound Transit Board to stop the project**

*Contingency 4.2k states: No action has been taken by the Sound Transit Board to stop the planning, construction or operation of the Initial Segment.*

With Sound Transit Board approval of the contract with PCL Construction Services, Inc., on March 10, 2005 to construct the C755 Tukwila Freeway route segment, all major civil and systems contracts have been awarded for the Initial Segment. At this time no action has been taken by the Sound Transit Board to stop the planning, construction or operation of the Initial Segment.

**Contingency 4.2l – Sound Transit has paid all payments required under the agreement**

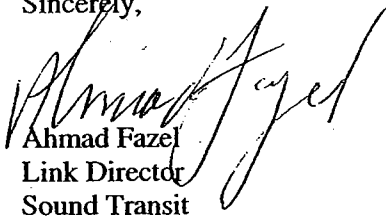
*Contingency 4.2l states: Sound Transit has timely paid all payments required under this Agreement that became due to the County and the City prior to commencement of the Closure Period Construction Work.*

Currently King County invoices on a quarterly basis for work being performed as part of the Downtown Surface Improvement Program. To date all County invoices that have been received have been paid. The City of Seattle invoices monthly for work being performed as part of the Downtown Surface Improvement Program. To date all City invoices that have been received have been paid.

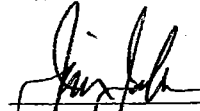
Jim Jacobson  
May 17, 2005  
Page 3

Please indicate your concurrence that Sound Transit has met the final five tunnel closure contingencies outlined above by signing both originals and returning one to me.

Sincerely,

  
Ahmad Fazel  
Link Director  
Sound Transit

Concur:

  
\_\_\_\_\_  
Jim Jacobson  
Deputy General Manager  
King County Metro Transit

5/17/05  
Date

**Attachments**

May 17, 2005 letter from the Monitor and Maintain Committee  
May 11, 2005 letter pertaining to the September 2005 Service Change Package A



KING COUNTY  
Transit Division  
Department of Transportation  
Design & Construction Section  
201 S. Jackson Street, M/S KSC-TR-0433  
Seattle, WA 98104-3856

May 17, 2005

Mr. Ahmad Fazel, Link Director  
Sound Transit  
401 South Jackson Street  
Seattle, WA 98104-2826

RE: Downtown Seattle Transit Tunnel Closure

Dear Mr. Fazel:

The Monitor and Maintain (M&M) Committee has been meeting regularly since early 2003 to oversee the development and implementation of the twenty five Downtown Seattle Traffic and Street Improvement identified in the Agreement regarding Design, Construction, Operation and Maintenance of the Downtown Seattle Transit Tunnel and Related Facilities between and among King County, The City of Seattle and The Central Puget Sound Regional Transit Authority revised June 24, 2002 (Master Agreement).

The purpose of this letter is to document that the M&M Committee agrees that the Downtown Seattle Traffic and Street Improvements identified in Section 4.2c of the DSTT Master Agreement have been satisfactorily completed. Since the beginning of April the Committee has been monitoring and reporting on the construction status on a weekly basis (see attached "Weekly Status of Street Improvement Projects"). The Committee is confident that each of the construction projects will be physically and operationally complete by the dates summarized below. Physically complete is defined as the contractor's completion of the construction project except for punch list items. Operationally complete is the completion of punch list items and city required work to 'turn on' the projects.

The City of Seattle has reaffirmed their commitment to have the projects physically completed and operational prior to tunnel closure, see attached letter from Grace Crunican to Joni Earl, May 17, 2005. Along with the City of Seattle, the partner agencies and the M&M Committee continue to be committed to working collaboratively to deliver these important projects.

**Prefontaine Place South Reconstruction/5<sup>th</sup> Avenue Transit Contraflow Lane Project**

The roadway is expected to be reopened to all transit and vehicle traffic by May 30<sup>th</sup>. The contract will be physically complete by July 15, 2005. The project is estimated to be fully operational by August 15, 2005.

**Olive Way Transit Priority Improvements/9<sup>th</sup> Avenue Transit Contraflow Lane Project**

The construction contract will be physically complete by June 15<sup>th</sup>, 2005. The project is estimated to be fully operational by July 15, 2005.

### 3<sup>rd</sup> Avenue Peak Period Traffic Restrictions

For the 3<sup>rd</sup> Avenue Traffic Restrictions Project, physical implementation of the project will be completed for implementation on September 12<sup>th</sup>, two weeks prior to tunnel closure. Over the next two weeks, SDOT will be working with the M&M Committee to finalize the implementation plan for this project. These items include:

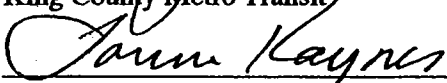
- Final decisions about design details and timing of implementation of loading zones and bus stop adjustments.
- Approval of final signage design elements. Signage design and locations have been completed, and sign fabrication and installation are scheduled.
- Deployment strategy, training and collateral material for Seattle Police Department (SPD) traffic control officers. We are now beginning discussions with SPD staff to finalize details for September 12<sup>th</sup> deployment to educate drivers along 3<sup>rd</sup> Avenue about the new traffic restrictions, and September 26<sup>th</sup> initiation of enforcement of restrictions.
- A budget estimate will be prepared for all project elements, and anticipated to come in at or below the original budget.

### E-3 Busway-CBD Transit Priority Improvements


CA Carey has completed demolition of 4<sup>th</sup> Avenue between Jackson Street and Main Street, they will begin forming and pouring the roadway over the next two weeks. The contract will be physically complete by July 1, 2005. The project is estimated to be fully operational by August 1, 2005.

  
Eric Gleason, Service Development Manager,  
King County Metro Transit


5/17/05  
Date

  
Loren Raynes, Signal Maintenance and Construction Manager  
Seattle Department of Transportation

5/17/05  
Date

  
Michael Williams, Project Development Division Manager  
Link Light Rail

5/17/05  
Date

  
Tim Dunn, Supervisor of Service Planning and Scheduling  
Community Transit

5/17/05  
Date

#### Attachments:

- May 17, 2005 – Letter from Grace Cruican to Joni Earl
- May 17, 2005 - Weekly Status of Street Improvement Projects



Seattle Department of Transportation

Gregory J. Nickels, Mayor

Grace Crunican, Director

Mr. Kevin Desmond  
King County Metro Transit  
201 South Jackson Street  
Seattle, WA 98104-3856

Ms. Joni Earl  
Sound Transit  
401 South Jackson Street  
Seattle, WA 98104-2826

May 17, 2005

RE: Satisfactory Completion of Downtown Seattle Traffic and Street Improvement Projects

Dear Mr. Desmond and Ms. Earl:

Section 4.2(a) of the Agreement regarding the Design, Construction, Operation and Maintenance of the Downtown Seattle Transit Tunnel and Related Facilities between and among King County, The City of Seattle And The Central Puget Sound Regional Transit Authority, Revised June 24, 2002, requires that Downtown Seattle Traffic and Street Improvements identified in the agreement have been satisfactorily completed. *This letter is to confirm that all of the projects identified for implementation by the City have been satisfactorily completed, and to reaffirm the City's commitment to have the projects physically completed and operational prior to tunnel closure.*

As you know, the Monitor and Maintain (M&M) Committee which oversees implementation of these projects has developed and maintained a "60-day plan" to track progress toward this important milestone. The City is fully committed to continuing active and aggressive management of these projects to ensure that all improvements are in place and fully operational prior to the planned tunnel closure on September 24, 2005. Between now and September, the City's commitment will play out in several different phases:

- **Physical completion of contracted project work.** All of the City's contracted work has been awarded and is underway with contract substantial completion dates ranging from June 10<sup>th</sup> to July 5<sup>th</sup>. Some contractors have already encountered unforeseen conditions resulting in minor delays, and we should expect this to continue to some degree through physical completion of the projects. *I have directed my staff to continue aggressively managing contracts to minimize delays, and to hold contractors as closely as possible to our contractual completion dates (recognizing that project contingencies must be managed judiciously as we consider opportunities to recover or accelerate schedules).*
- **Physical completion of construction completed by City crews.** For 3<sup>rd</sup> Avenue Traffic Restrictions and for bus stop improvements to be implemented by City crews, most of the key



Key Tower, 700 5<sup>th</sup> Avenue, Suite 3900, Seattle, WA 98104-5043  
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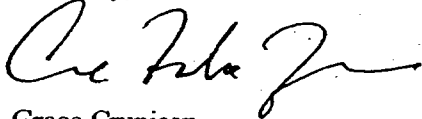
siting and design decisions have been made with work programmatically scheduled to occur throughout the summer months. Some changes, such as the traffic restrictions, will be scheduled to occur late in the summer so that restrictions are not in place long before they are needed. For the significant number of bus zone modifications, SDOT and King County staff have worked together very well to schedule and execute this work for the last few service changes, and I am confident that we can repeat those successes. *I have directed my staff to continue to prioritize this work to make sure that we can fulfill our commitments prior to tunnel closure.*

- **Additional work by City crews to put traffic management changes into operation.** Once physical changes are in place, additional City work is required to make changes operational. For example, once contractors have installed new signals, SDOT signal operations staff must implement new signal timing to place equipment into full operation. Similarly, my staff are working with Seattle Police Department staff to ensure that traffic control officers are deployed to first educate drivers about new traffic restrictions, and then to enforce those restrictions. *I have reiterated to my staff the importance of planning this work now so that we are well prepared to execute the work when changes are physically in place. Within SDOT's Traffic Management section in particular, I recognize and have reinforced the importance of organizing and preparing ourselves to respond to unforeseen conditions and adjust as necessary in the first few weeks after tunnel closure.*

With respect to Public Right-of-Way Construction Restrictions, I will be briefing Mayor Nickels on May 18<sup>th</sup> in advance of launching our efforts to more actively manage use of travel lanes on key transit corridors, and use of sidewalks at key bus zones throughout downtown. This effort will require partnership with major downtown developers, public and private utilities, and other users of the right-of-way, and reflects a "new business as usual" for SDOT.

Please extend my thanks to your staff for their hard work to help us reach this important milestone, and their continued support in seeing our efforts through.

Sincerely,



*for* Grace Crunican

cc: Richard Miller  
Jim Dare  
Katherine Casseday  
Jon Layzer

**Weekly Status of Street Improvement Projects Satisfactorily Complete by May 24, 2005**

**1. Threshold Criteria:**

Contracts for capital improvement projects have been awarded with contract substantial completion dates before 9/1/05:

Complete (y/n)	Contract substantial completion date	Notes	Physically Complete	Fully Operational
y	6/14	NTP Jan 24, 100 day duration	July 15	August 15
y	6/10	NTP Feb 23, 80 day duration	June 15	July 15
y	6/24	NTP April 11, 55 day duration	July 1	August 1
y	7/5	NTP April 25, 50 day duration	July 18	August 18
y	6/30	NTP March 29, 65 day duration	June 30	August 1

**2. Project Criteria - Key Schedule Risks Identified and Managed:**

+ ahead, - behind, or 0 on schedule,  
 activity complete

ST to certify to King County and FTA that projects are Satisfactorily complete

Project Name: Prefontaine Place/5th Avenue (Primary Mitigation)

Activity	Due Date	March/April							May							May/June				
		28-1	4-8	11-15	18-22	25-29	2-6	9-13	16-20	23-24	25-27	30-3	6-10	13-17	20-24	27-1				
Pole delivery	3/30	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+				
Prefontaine demo complete/no areaways	4/25	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+				
Prefontaine open to traffic (Phase 3)	5/30	-	0	-	0	0	0	0	0	0	0	0	0	0	0	0				
Sidewalks and ramps complete (Phase 4)	6/24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Electrical and signal work complete(Ph.5)	6/24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Washington overlay complete (Ph.5)	6/24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Recovery Plan: Contractor has requested time extension for sidewalk work, working to clarify issue.

Project Name: Olive Way Transit Lane/9th Ave Contraflow Lane (Primary Mitigation)

Activity	Due Date	March/April							May							May/June				
		28-1	4-8	11-15	18-22	25-29	2-6	9-13	16-20	23-24	25-27	30-3	6-10	13-17	20-24	27-1				
Pole delivery	4/30	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+				
8th/Olive/Howell intersection work complete	4/8	0	+	+	+	+	+	+	+	+	+	+	+	+	+	+				
Pacific PI sidewalk demo comp./SCL vault	4/22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
Olive Way bus lane installation complete	5/20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				
9th Avenue Contraflow lane complete	6/10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				

Recovery Plan:



**Weekly Status of Street Improvement Projects Satisfactorily Complete by May 24, 2005**

+ ahead, - behind, or 0 on schedule,  
! activity complete

ST to certify to King County and FTA that projects are Satisfactorily complete

**E-3 Busway to CBD Transit Priority**

Activity	Due Date	March/April					May					May/June				
		28-1	4-8	11-15	18-22	25-29	2-6	9-13	16-20	23-24	25-27	30-3	6-10	13-17	20-24	27-1
Pole delivery	4/30	0	0	+	+	!	!	!	!							
East side 4th Ave demo of roadway complete	5/10			-	-	-	-	-	-							
4th Ave bus platform complete	6/24	0	0	-	-	0	0	0	0							
5th/Weller ped signal installed	6/3	0	0	0	0	0	0	0	0							

Recovery Plan: The roadway reconstruction will be complete by June 3.

**Emergency Vehicle Signal Priority System**

Activity	Due Date	March/April					May					May/June				
		28-1	4-8	11-15	18-22	25-29	2-6	9-13	16-20	23-24	25-27	30-3	6-10	13-17	20-24	27-1
Pole delivery	4/30	+	+	+	+	-	-	-	-							
Concrete removals/pourback at Marion	6/29				0	0	0	0	0							

Recovery Plan: delivery of pole delayed until 5/27, no schedule impact because contractor not scheduled to work at 3rd/Marion location until 6/22.

**3rd Ave Peak Hour Traffic Restrictions (Primary Mitigation)**

Activity	Due Date	March/April					May					May/June				
		28-1	4-8	11-15	18-22	25-29	2-6	9-13	16-20	23-24	25-27	30-3	6-10	13-17	20-24	27-1
Bus zone/fill-in details approved	4/1	0	!	!	!	!	!	!	!							
Implem. date/plan approved by M&M	6/1	0	0	0	0	0	0	0	0							
Zone construction complete	7/1	0	0	0	0	0	0	0	0							
Fill in construction complete	8/1	0	0	0	0	0	0	0	0							
Project ready to implement	9/1	0	0	0	0	0	0	0	0							

Recovery Plan: SDOT continues to work on Implementation Plan

**Weekly Status of Street Improvement Projects Satisfactorily Complete by May 24, 2005**

ST to certify to King County and FTA that projects are Satisfactorily complete

+ ahead, - behind, or 0 on schedule  
| activity complete

Project Name: AVI project

Activity	Due Date	March/April				May				May/June						
		28-1	4-8	11-15	18-22	25-29	2-6	9-13	16-20	23-24	25-27	30-3	6-10	13-17	20-24	27-1
Equipment installed on poles	6/1	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-
SCL power hookups	6/1	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-
TSP equipment installed on poles	6/1	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-
Testing	6/1	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-
Data Collection	7/1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**Recovery Plan:** To date, equipment installed at 11 locations, KC is requesting power hookups from SCL for 7 of those locations. May have to do some in the field data collection by hand prior to system up and running.

**3. Project Satisfactorily Complete Checklist (Per DSTT Master Agreement Contingency 4.2c):**

Project	Complete (y/n)	Date approved by M&M	Notes
1. Prefontaine/5th	y		Contractor physical completion July 15, SDOT fully operation by August 15
2. 9th/Olive	y		Contractor physical completion June 15, SDOT fully operation by July 15
3. Busway - CBD	y		Contractor physical completion July 1, SDOT fully operation by August 1
4. Emergency Vehicle Signal Priority	y		Contractor physical completion July 18, SDOT fully operation by August 18
5. 3rd Avenue Traffic Restrictions	y		Project discussed at 5/12/05 M&M Committee, see Crunican letter date May 17, 2005
6. General Purpose Travel Time Monitoring	y	Jan 2005	Presented to M&M Committee
7. Traffic Control & Enforcement	y	4/17/2005	Approved by M&M Committee Mod. - #15
8. Parking Manage & Non-SOV Mode Share	y	Sept 2004	Presented to M&M Committee
9. Midblock Crosswalk Restrictions	y		Project implemented 9/04
10. Public ROW Construction Restrictions	y	Oct 2004	Project discussed at 5/12/05 M&M Committee, see Crunican letter date May 17, 2005
11. 2nd & 4th Transit Lane Striping	y	5/1/2005	Mod. #17 scheduled for approval on 5/12/05
12. Bus Zone Improvements	y		Schedule for M&M Committee review - 5/5/05
13. Bus Volume & Ridership Monitoring	y	Jan 2005	Presented to M&M Committee/on budget
14. Transit Travel Time & Reliability Monitoring	y	August 2004	Presented to M&M Committee/on budget
15. Pedestrian Congestion Monitoring	y	Jan 2005	Presented to M&M Committee/on budget
16. Customer Surveys	y	Jan 2005	Presented to M&M Committee/on budget
17. Transit Security Enhancement	y	April 2005	Approved by M&M Committee Mod. - #16
18. Security Cameras	y	4/7/2005	Project deleted
19. Downtown Area Pass	y	Sept 2004	Presented to M&M Committee/on budget
20. Transit Service Supervision	y	April 2005	Presented to M&M Committee/on budget
21. Surface Bus Service Reorganization	y	Sept 2004	Implemented
22. Tunnel Bus Service Relocation	y		Sept Service Change Pkg to Mike W. on May 11, 2005
23. Shopper Incentives	y	July 2004	Approved by M&M Committee - Mod. #9



King County  
**METRO**

**Metro Transit Division**  
Department of Transportation  
King Street Center  
KSC-TR-0415  
201 South Jackson Street  
Seattle, WA 98104-3856

May 11, 2005

Ahmad Fazel  
Link Director  
Sound Transit  
401 S. Jackson St.  
Seattle, WA 98104

DSTT Master Agreement Contingency 4.2e

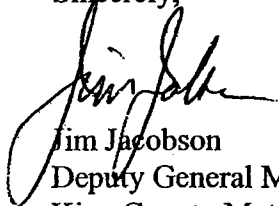
Dear Ahmad:

Section 4.0 of the DSTT Master Agreement establishes the tunnel closure period contingencies. Contingency 4.2e requires written agreement to a Tunnel Closure and Interim Bus Operations Plan. Therefore, I am transmitting to you for your written concurrence Metro Transit's September 2005 Service Change Package A to serve as the Tunnel Closure and Interim Bus Operations Plan.

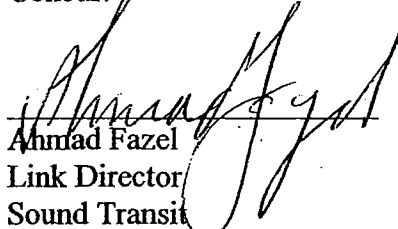
If you have any questions about the plan, Metro Transit staff is available to meet with you. It may be possible that some last minute minor service adjustments will be made and Metro Transit staff will provide any subsequent service change packages to you.

Please indicate your concurrence with the Tunnel Closure and Interim Bus Operations Plan by signing both originals and returning one to me.

Sincerely,

  
Jim Jacobson  
Deputy General Manager  
King County Metro Transit

Concur:

  
Ahmad Fazel  
Link Director  
Sound Transit

5/12/05  
Date