

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 21-108

AUTHORIZING ACCEPTANCE OF THE CONSOLIDATED RAIL INFRASTRUCTURE
SAFETY IMPROVEMENT GRANT AGREEMENT FROM THE FEDERAL RAILROAD
ADMINISTRATION FOR THE MEADOWDALE BEACH PARK AND ESTUARY
RESTORATION PROJECT

WHEREAS, Meadowdale Beach Park tidelands are separated from the County-owned lower park lawn area by the 100-foot wide Burlington Northern Santa Fe (BNSF) right-of-way; and

WHEREAS, BNSF's Scenic Subdivision Line Segment 50, which includes two main tracks supported by a raised rock-armored embankment, is located within the 100-foot BNSF-owned right-of-way; and

WHEREAS, a major park development project completed in 1988 included securing an agreement with BNSF for shared use of the 6-foot wide, 5.5-foot high, 60-foot long culvert conveying Lunds Gulch Creek, a salmon-bearing stream through the BNSF embankment for the purpose of providing public beach access; and

WHEREAS, over time, increased runoff and rainfall events within the gulch have resulted in sediment delivery, flooding, public safety, and fish impediment issues at the entrance to and within the culvert and under flooded conditions public determined to get to the beach trespass across BNSF right-of-way; and

WHEREAS, a Preferred Alternative, developed through public process during the Feasibility phase in 2014-2015, included replacing the undersized culvert and approximately 128 linear feet of hard armored BNSF railroad embankment with a multi-span railroad bridge, providing a widened opening for creek meander and sediment delivery, restoration of a pocket estuary for juvenile Chinook and other salmonids, and providing an ADA-accessible path (Underpass Trail) under the bridge separated from the creek and critical areas, in order to address public safety issues; and

WHEREAS, the design phase including preparation of bid documents, permitting and bid assistance commenced in 2016 and is now complete with an Engineer's Estimate for the project of \$15,000,000; and

WHEREAS, the project includes work performed by BNSF and work performed by a County-procured contractor which advertised on February 1, 2021 with bid opening on March 16, 2021; and

WHEREAS, an Underpass Agreement which includes County and BNSF's responsibilities, long-term maintenance and ownership, estimated construction costs, and temporary access and permanent easement documents will be routed to Council and the Executive upon completion by BNSF; and

WHEREAS, the Snohomish County Department of Parks, Recreation, and Tourism submitted an application on September 14, 2018 to the Federal Rail Administration (FRA) for the Consolidated Rail Infrastructure Safety Improvement (CRISI) grant program requesting \$3,500,000 for construction of the railroad bridge portion of the Meadowdale Beach Park and Estuary Restoration project; and

WHEREAS, Snohomish County Department of Parks, Recreation, and Tourism was notified by FRA of the grant award on June 13, 2019; and

WHEREAS, the CRISI grant request is based on a total estimated railroad bridge cost of \$7,522,629 (Seven Million, Five Hundred Twenty-Two Thousand, Six Hundred Twenty-Nine Dollars), for which the FRA grant will contribute up to 46.5263% of the total railroad bridge cost, not to exceed \$3,500,000 (Three Million, Five Hundred Thousand Dollars) with the County match of 53.4737% totaling \$4,022,629 (Four Million, Twenty-Two Thousand, Six Hundred Twenty-Nine Dollars); and

WHEREAS, the match for this agreement has been identified in the adopted 2021 Capital Improvement Program with Motion 20-401 authorizing reimbursement of County expenditures on the Meadowdale Beach Park and Estuary Restoration Project with proceeds of tax-exempt bonds; and

WHEREAS, FRA approved the Pre-Authorization Letter Request signed by the Executive per Motion 21-037, allowing reimbursement of costs associated with review of project submittals by the consultants and procurement of certain construction materials by the County-procured contractor under Bid 002-21SB and BNSF, during the four (4) to six (6) week delay between delivery of the executed BNSF Underpass Agreement to FRA and grant obligation in order to facilitate the project's tight schedule; and

WHEREAS, FRA will send the Grant Agreement comprised of Attachment 1 Standard Terms and Conditions, Attachment 1A CRISI Clauses, Attachment 2 Statement of Work, Attachment 3 Deliverables and Approved Project Schedule, Attachment 4 Approved Project Schedule, and Attachment 5 Performance Measures via GrantSolutions for electronic signature once FRA receives the executed Underpass Agreement between the County and BNSF;

NOW, THEREFORE, ON MOTION, the Snohomish County Council hereby approves and authorizes the County Executive to execute the FRA Grant Agreement upon notification from GrantSolutions that the CRISI grant is ready for acceptance, along with any future related agreement amendments with the FRA for the purpose of constructing the railroad bridge improvements as part of the Meadowdale Beach Park and Estuary Restoration Project.

PASSED this 14th day of April, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council