



August 10, 2020

Ms. Jessi Bon
City Manager
City of Mercer Island
9611 SE 36th St.
Mercer Island, WA 98040

Dear Ms. Bon:

I appreciated our opportunity to meet on August 5th and seek resolution on the City's concerns regarding the East link project under the dispute resolution terms of the 2017 Settlement Agreement between Sound Transit and the City. Sound Transit wants very much to reach a solution for the bus intercept issue that is satisfactory to the City, is feasible for King County's bus operations, and is safe for both Mercer Island residents and the region's transit passengers.

Since the Agreement was signed in 2017, Sound Transit has devoted significant time and resources toward development of the 77th Avenue SE Configuration specifically requested by the City to a high state of readiness, including advancing final design to nearly 90% and acquisition of the two private property parcels necessary to implement the configuration at this location. Over the last three years, Sound Transit has complied with its commitment to work collaboratively with Metro to obtain its concurrence on the 77th Avenue SE Configuration. There have been innumerable meetings between Sound Transit, city staff, including executive and elected leadership and King County Metro. Additionally, in an effort to identify options that might enable Metro to agree to the 77th Avenue SE Configuration, Sound Transit commissioned an Operations and Configuration Study in March 2019 and the City and Metro both collaborated with Sound Transit on the study with consultation from WSDOT. These efforts have failed to reach a resolution satisfactory to the City.

If there are to be any further meetings, they need to be centered around the singular goal of reaching a resolution that comports with the existing Agreement. Under the terms of the Agreement, the City and Sound Transit acknowledged and agreed that Metro would be able to reject a proposed bus intercept configuration if it was operationally infeasible, unsafe, or would require reopening a collective bargaining agreement with thousands of its bus drivers. Metro has agreed to implement the 77th Avenue SE Configuration subject to refinements regarding layovers and bus stops. The City, however, has not agreed to these refinements and to date, the City has not put forward alternatives that don't violate one or more of those three imperatives. Moreover, the City now has threatened to delay the issuance of permits to Sound Transit that are necessary for the completion of East link on Mercer Island – a clear violation of the Agreement under which, the City is eligible to receive payments from Sound Transit taxpayers totaling potentially more than \$10 million for mobility, safety and access improvements on Mercer Island, and in which the City agreed to not delay the issuance of needed permits.

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Peter M. Rogoff

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The City keeps insisting that we take the issue to mediation – an approach that Sound Transit has rejected with good reason. Metro was not a party to the Agreement or the underlying litigation and would not be party to any mediation. And Metro cannot be bound by any mediated resolution agreed by the City and Sound Transit.

In the interest of trying to bring this to a final resolution, I am willing to host a meeting with the leadership of King County Metro and its professional bus operations staff to see if a solution can be reached that has eluded all the parties thus far. This can only happen, however, under conditions that might actually yield a workable result. As such, we must insist that any further meeting be conditioned on the City acknowledging that any resolution must be deemed by King County Metro to be safe, operationally feasible, and work within the confines of their existing collective bargaining agreements. Moreover, we must insist that the City abandon its threatened intent to hold up permits necessary for the delivery of the East link project for the thousands of Seattle and Eastside residents who have waited a great many years for its arrival. Delaying permits in violation of the Agreement will only result in Mercer Island taxpayers and Sound Transit taxpayers spending many scarce dollars on attorney's fees while needed public services go wanting.

Please let me know if the City is willing to seek resolution to this problem by concurring in this approach so that we might actually have a chance to find a solution that is both workable and legal.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Rogoff', with a long horizontal stroke extending to the right.

Peter M. Rogoff
Chief Executive Officer