



## Motion No. M2022-42

### Amendment to the BNSF Service Agreement for Sounder Northline

Meeting:	Date:	Type of action:	Staff contact:
Rider Experience & Operations Committee	06/02/2022	Recommend to Board	Suraj Shetty, Executive Director, Operations
Board	06/23/2022	Final action	<b>Robin Braziel, Director-Commuter Rail, Bus and Paratransit</b> <b>Martin Young, Deputy Director-Commuter Rail</b>

### Proposed action

Authorizes the chief executive officer to execute an amendment to the Commuter Rail North Service Agreement with BNSF Railway Company to allow the sharing of train location data for service from Seattle to Everett in support of Sound Transit's Passenger Information Management System project in an amount not to exceed \$53,870 for a new total authorized amount not to exceed \$87,059,434 plus applicable taxes.

### Key features summary

- This amendment authorizes the purchase of real time train location data available in the BNSF Train Management Dispatch System to be shared with Sound Transit.
- The scope of work is identified in the BNSF agreement with Railinc Corporation, which manages the data for BNSF.
- The term of this data sharing is for five years at 5 percent cost escalation annually. It is tied to the BNSF-Railinc agreement; staff expect to bring a follow-on arrangement to the Board in anticipation of a continuation of the data sharing after this term expires.
- BNSF will pass through their costs to Sound Transit from Railinc Corporation with no mark-up.
- There is a parallel amendment on Sounder's BNSF South Line Agreement, Motion No. M2022-41, which provides for similar data sharing at a proportionate cost commensurate with service on that corridor.
- The associated Public Utility tax (1.5 percent) and Washington State Utilities and Trade Commission (WUTC) regulatory fee (1.926 percent) for the amendment amounts to \$1,059.

### Background

Sound Transit first entered into an agreement with BNSF for commuter rail service between Everett and Seattle in 2003 through Motion No. M2003-130 and Motion No. M2003-131. This agreement was a sole source procurement based on BNSF's unique ability to provide access to a railroad useful for commuter service, and their desire to operate that service.

The agreement provided for a 12-year base period and a five-year option, exercised in which terminated in December 2020. A new 10-year option was authorized through Motion No. M2020-40, which extended term through December 2030. Two additional five-year options, if exercised, would bring the

final term of the Sounder north-line in line with the independent and separate south-line BNSF agreement, which also terminates in 2040.

Sound Transit is currently operating reduced service on the corridor, in response to reduced ridership associated with the pandemic. Current plans would restore the North Line Sounder service from two to four daily round trips sometime after 2023. The scope of work and cost will be unchanged regardless of the number of trains operated.

This amendment will provide Sound Transit access to live train location data, provided to BNSF through Railinc Corporation, in order for the agency's Passenger Information Management System (PIMS) to give customers real time train location data.

## **Fiscal information**

This action will amend the current contract by \$54,929 (including taxes) for a new total authorized contract amount not to exceed \$90,959,516 (including taxes). This action includes funding from both the Passenger Information Management System budget and the Operations Department budget.

The authorized project allocation for the Passenger Information Management System project is \$49,575,848. Within the construction phase, \$36,553,653 has been allocated in the phase for system integration. This action commits \$22,960 to this phase and leave an uncommitted budget balance of \$3,227,517.

The Operations department spend for \$31,969 (including taxes) will be funded from the Purchased Transportation category budget which has an annual operating budget of \$218,972,628, of which a total of \$3,180 is estimated to be spent from this action in 2022 and is currently within the agency's budget authority. After approval of this action, the remaining annual budget will be used to fund other department expenditures anticipated in the 2022 annual budget.

Funding for the additional years of the contract will be included in future annual budget requests.

**BNSF North Rail Service Agreement**  
(in thousands)

Agreement Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Agreement	\$87,006	\$87,006	\$54	\$87,059
Contingency Amount				
<b>Total Contract (with contingency)</b>	<b>\$87,006</b>	<b>\$87,006</b>	<b>\$54</b>	<b>\$87,059</b>
Estimated Utility/WUTC Taxes	3,899	3,899	1	3,900
<b>Total Contract (with estimated tax)</b>	<b>\$90,905</b>	<b>\$90,905</b>	<b>\$55</b>	<b>\$90,960</b>
Percent Contingency	0%	0%	0%	0%

**Passenger Information Management System**

Project Phase	Authorized Project Allocation	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Operations & Maintenance	\$7,431	\$3,743		\$3,743	\$3,688
Agency Administration	2,340	148		148	2,192
Preliminary Engineering					
Third Parties					
Construction	39,804	36,554	23	36,577	3,228
<b>Total Current Budget</b>	<b>\$49,576</b>	<b>\$40,445</b>	<b>\$23</b>	<b>\$40,468</b>	<b>\$9,108</b>

**Notes:**

Board Approvals = Committed To-Date + Contingency as of May 2022 and includes pending Board actions.

For detailed project information, see page 182 in the 2022 Financial Plan & Adopted Budget. The budget amount above reflects the adopted authorized project allocation.

**Operations Department**

Cost Category	2022 Annual Operating Budget <sup>1</sup>	YTD Actuals	This Action (2022 Only)	YTD Actuals Plus Action (2022 Only)	Remaining Annual Operating Budget
Salaries and Benefits	\$39,718	\$6,502	\$	\$6,502	\$33,216
Services	47,942	7,403		7,403	40,539
Materials and Supplies	12,968	3,518		3,518	9,450
Utilities	8,771	2,153		2,153	6,619
Taxes	3,220	347		347	2,873
Purchased Transportation Services	218,973	54,294	3	54,297	164,675
Miscellaneous	413	40		40	373
Leases and Rentals	1,099	264		264	835
<b>Total Annual Operating Budget</b>	<b>\$333,104</b>	<b>\$74,519</b>	<b>\$3</b>	<b>\$74,523</b>	<b>\$258,582</b>

**Notes:**

<sup>1</sup>2022 Annual Operating Budget is located on page 71 of the 2022 Financial Plan & Adopted Budget book.

The additional cost of this action above the financial plan projection through 2026 in YOES\$ is \$31,000. If extended to 2046, the cost of increases to \$259,000. The impact of this cost increase on remaining debt capacity is a reduction of .001% in the minimum year. This is a negligible impact on agency affordability and does not impact the affordability of the finance plan.

**Disadvantaged and small business participation**

Not applicable to this action.

## **Public involvement**

Not applicable to this action.

## **Time constraints**

A one month delay would not significantly impact Sounder operations.

## **Prior Board/Committee actions**

Motion No. M2020-66: Authorized the chief executive officer to execute an amendment to the commuter rail service agreement with BNSF Railway Company extending operation of Sounder north-line service by 10 years and adding two five-year options to extend in an amount not to exceed \$37,958,689 for a new total authorized amount not to exceed \$90,904,587.

Motion No. M2016-54: Authorized the chief executive officer to execute amendments to the Commuter Rail Service Agreement (Seattle to Nisqually), the Joint Use Agreement (Seattle to Tacoma), the Commuter Rail North Service Agreement, and the Joint Use Agreement (Everett to Seattle), all with the BNSF Railway Company, to adjust insurance provisions to reflect the passenger rail liability cap increase under federal law.

Motion No. M2015-105: Authorized the chief executive officer to execute an amendment to the Commuter Rail North Service Agreement including exercising a five-year term extension option with the BNSF Railway Company for the continued operation of Sounder north line service between Everett and Seattle in the amount of \$17,836,712, for a total authorized agreement amount not to exceed \$52,945,898.

Motion No. M2007-99: Authorized the chief executive officer to execute amendments to the BNSF Railway Company Joint Use Agreement and Sounder commuter rail North Service Agreement for the Everett-Seattle corridor to permit a third round trip on September 24, 2007 and a fourth round trip on August 18, 2008.

Resolution No. R2003-22: Authorized the Chief Executive Officer to execute a Purchase and Sale Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company for the purchase of real property interests required for Everett to Seattle Commuter Rail Service.

Motion No. M2003-131: Authorized the Chief Executive Officer to execute a Commuter Rail Service Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company for Everett to Seattle Commuter Rail Services.

Motion No. M2003-130: Authorized the Chief Executive Officer to execute a Joint Use Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company for Everett to Seattle Commuter Rail Easements.

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**Environmental review** – KH 5/16/22

**Legal review** – JW 5/27/22



## Motion No. M2022-42

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an amendment to the Commuter Rail North Service Agreement with BNSF Railway Company to allow the sharing of train location data for service from Seattle to Everett in support of Sound Transit's Passenger Information Management System project in an amount not to exceed \$53,870 for a new total authorized amount not to exceed \$87,059,434 plus applicable taxes.

### Background

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Sound Transit is currently operating reduced service on the corridor, in response to reduced ridership associated with the pandemic. Current plans would restore the North Line Sounder service from two to four daily round trips sometime after 2023. The scope of work and cost will be unchanged regardless of the number of trains operated.

This amendment will provide Sound Transit access to live train location data, provided to BNSF through Railinc Corporation, in order for the agency's Passenger Information Management System (PIMS) to give customers real time train location data. This amendment authorizes the purchase of real time train location data available in the BNSF Train Management Dispatch System to be shared with Sound Transit.

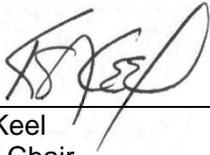
The scope of work is identified in the BNSF agreement with Railinc Corporation, which manages the data for BNSF. The term of this data sharing is for five years at 5 percent cost escalation annually. It is tied to the BNSF-Railinc agreement; staff expect to bring a follow-on arrangement to the Board in anticipation of a continuation of the data sharing after this term expires. BNSF will pass through their costs to Sound Transit from Railinc Corporation with no mark-up.

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### Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an amendment to the Commuter Rail North Service Agreement with BNSF Railway Company to allow the sharing of train location data for service from Seattle to Everett in support of Sound Transit's Passenger Information Management System project in an amount not to exceed \$53,870 for a new total authorized amount not to exceed \$87,059,434 plus applicable taxes.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 23, 2022.



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Kent Keel  
Board Chair

**Attest:**



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Kathryn Flores  
Board Administrator