

Community Oversight Panel

April 27, 2023

Sound Transit Board
The Honorable Dow Constantine, Chair
401 South Jackson Street
Seattle, WA 98104

Re: Community Oversight Panel 2022 Year-End Report

Dear Chair Constantine:

This is the 26th annual year-end report of the Community Oversight Panel (COP), which sets forth to the Board and the public our assessment of Sound Transit's performance during the past year.

Background

Historically, the framework for this report is the COP's authorizing legislation, which is contained in each of the Agency's three plans and requires the COP to monitor seven major areas of Sound Transit's performance:

- Community engagement activities
- Project planning and alignment decisions
- Budget and financial plan
- Project schedule and budget adherence
- Agency performance audits
- Social justice and equity
- Passenger experience

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While the ongoing pandemic, cost escalation and labor shortages will likely continue to cause upheaval that could impact the Agency's functions, the COP has found that in 2022, Sound Transit is in substantial compliance in all of the areas monitored.

Major Accomplishments

COP Membership and Diversity

In 2021 and the first half of 2022, the COP was kept abreast of the Board's strategies for bringing more diversity to the Panel and the COP supported this important initiative. Effective April 2022, these efforts included changing the COP meeting time to the evening, shortening COP member terms, and renaming the COP "Community Oversight Panel" to encourage more applicants. The COP's full membership of 15 had not been attained in recent years so the Panel was very happy to welcome nine new members in October 2022. These additions brought the COP to full membership and full representation of all subareas. The COP applauds Sound Transit's successful efforts to recruit the new members and is encouraged by the new and diverse perspectives these new members provide.

Emergency Communications Protocol

Since its opening in October 2021, Northgate Link has experienced two equipment failures that resulted in stalled rail cars filled with passengers waiting in the dark for information about the situation. The Agency's internal auditor released a detailed report on April 29, 2022, about the most significant incident, which occurred after an Apple Cup game in late November of 2021. The report identified "preventable mechanical failures" that have since been addressed, and communications failures that resulted while the train operator focused on restoring service. The Agency has acknowledged that its emergency communications protocols needed to be enhanced in order to prevent such problems in the future. The COP has monitored progress on this issue throughout 2022 and it appears that Sound Transit has applied lessons learned from this incident and has addressed the issue.

Everett North Line Sounder Landslide Issues

The Sounder North Line has experienced delays and periodic service reductions because of landslides on its tracks between Everett and Seattle, resulting in disruptions for riders over the years. Sound Transit, WSDOT, and partners have made significant progress in addressing this issue. In 2022, these incidents have been reduced to the point where riders experience much greater predictability on the Everett Sounder route.

Low Carbon Concrete

Concrete is the primary material that Sound Transit uses in the construction of its projects, and it expects to place over 500,000 cubic yards of concrete in the next 5 years. Concrete has

a significant impact on our environment, contributing to 6% of greenhouse gas emissions globally and 13% regionally. Sound Transit has made a concentrated effort to reduce its carbon emissions by using low carbon concrete where possible. Sound Transit is a regional leader in this effort and has set goals for contractors to use low carbon concrete on many of its projects. On the Puyallup Parking Garage Project, Sound Transit was able to achieve a 33% reduction in carbon emissions from concrete at no cost to the project. The COP is encouraged by this effort and by the fact that Sound Transit is working to achieve similar or better results on future projects.

Areas of Concern

Schedule Impacts

Throughout 2022 Link projects currently under construction have been impacted by the pandemic, a lengthy concrete truck drivers' strike, contractor performance issues, unforeseen soil conditions, and the continued shortage of skilled labor. These issues have threatened the on-time delivery of these projects, and as a result Sound Transit has pushed back the opening dates for East Link, Downtown Redmond Link, Federal Way Link, and Lynnwood Link. This trend, coupled with uncertainty around opening a portion of East Link and that scenario's potential impact on Lynnwood Link's opening schedule, pose a significant concern for the agency and its riders.

Passenger Safety

Public perceptions of safety on transit and around station areas is a key factor in rider experience and an important determinant of ridership. Changes to the presence of security and lower visibility of law enforcement, as well as other factors such as open drug use on trains contributed to the perception that there are no consequences for actions that have a negative impact on others' rider experience. Additionally, the State Legislature passed two bills in 2020 that impact how Sound Transit can respond to perceived safety issues related to individual conduct. Both bills limit law enforcement's ability to intervene when minor infractions related to personal behavior and drug possession occur on transit. The COP is concerned about public perception and the negative media coverage on this topic, but most importantly about impacts to passenger safety. At one of the fall meetings, the COP expressed concerns about the performance of the current security contractor and was encouraged to hear that Sound Transit is re-bidding its security contract and setting clear performance expectations for the contractors who will be performing the work. The COP is anticipating future presentations from ST staff regarding efforts to address this area of concern.

Fare Policy and Enforcement

Transit agency practices regarding fare collection and enforcement, including the Agency's 2022 fare enforcement pilot project, have been the subject of several recent media reports. The pilot project aimed to improve riding conditions for people of color, those with disabilities,

and those with low or no incomes, the latter of whom are particularly vulnerable to financial hardships and criminal penalties when charged with fare evasion. In its 2020 year-end report, the COP expressed support for the Agency's efforts to address these particularly challenging issues, while also noting the importance of fares as a significant component of the Agency's financial capacity to provide ongoing, equitable transportation throughout the region.

Overall, revenue from fares dropped by more than two thirds from 2019 to 2020 and ridership dropped by half. That reduction in fare collection, while improving somewhat, continued into 2022, and current forecasts predict that ridership will lag for an extended period. The 2022 projection that fare revenues will be lower compared to previous estimates continues to cause concern. Link fare collection (also known as the Farebox Recovery Rate) is expected to account for only 10 percent of its operating revenue for 2021 and 16 percent in 2022, compared to the stated goal of 40 percent. While the COVID-19 pandemic accounted for much of the ridership decline and related loss in revenue, fare evasion concerns have also carried over into 2022. Sound Transit's 2022 Fare Engagement Policy is a step in the right direction to reverse this trend, but as was noted in the COP's 2021 Annual Report, we are concerned that the farebox recovery trajectory is financially unsustainable.

Americans with Disabilities Act (ADA) Compliance

Sound Transit is required to comply with the Americans with Disabilities Act (ADA), and the COP has identified instances, specifically related to vertical conveyance, where Sound Transit may be at risk of non-compliance. In its 2023 Audit Topic Recommendation Letter, the COP recommends that Sound Transit elevate the importance of this issue with an ADA compliance audit as soon as practicable. Additionally, such an audit could identify access improvements that would help all riders.

West Seattle Link Extension Land Acquisition

Rising land acquisition costs on the West Seattle Link Extension could impact Sound Transit's ability to deliver the project within budget. In its 2023 Audit Topic Recommendation Letter, the COP recommended that Sound Transit conduct an audit of West Seattle land acquisition costs to determine impacts on the project. The COP reiterates the importance of this topic in this report due to the risks posed to the realization of the West Seattle Link Extension.

Natural Hazards Preparedness

Natural hazards such as earthquakes, floods, landslides, and severe storms, may disrupt service and may cause exceptional demand on mass transit if they damage the infrastructure of highways and other modes. In addition, landslide risk is increased on previously stable slopes when unexpected wildfires destroy vegetation. As the COP recommended in its 2023 Audit Topic Recommendation Letter, the agency's resilience measures and systems anticipating such hazards would benefit from an audit to identify natural hazards and

evaluate the agency's plans for addressing them. Such measures could include design and construction mitigations, operational strategies, partner coordination, and improved technology such as Shake Alert integrated with light rail control systems to facilitate safe evacuation and asset protection during extreme events.

Asset Management

The COP received a presentation on Sound Transit's Asset Management Program in 2022, and it recognizes the work that has gone into developing the program by Sound Transit Staff. However, the COP has been frustrated by the inability of staff to provide basic information about the current condition of infrastructure assets such as bridges, tunnels, pavements, track, power systems, signalization, communications, stations, and other significant facilities. For the COP's purposes, it is important to have quantitative evidence of whether the System Plan is being delivered and managed in a state of good repair, given normal aging and deterioration. Toward this end, Sound Transit's asset management program should report on trends in network condition, adherence to economically sustainable condition targets, the effect of condition on service quality, and a calibrated financial investment plan for preserving the infrastructure. This information should be publicly updated each year, looking at least ten years back and ahead. The COP is encouraged to hear that Sound Transit is committed to providing a more detailed state of its assets in a presentation in 2023.

Ridership

The COVID-19 pandemic continued to impact ridership in 2022, although there have been recent signs that ridership is slowly returning to pre-pandemic levels. Reduced ridership could put public support for Sound Transit at risk and it equates to reduced fare collection that has a negative financial impact on the agency. The pandemic and the uncertainty around the scale and pace of the return to office work has also made it difficult for Sound Transit to make accurate ridership projections. The reduced revenue from passenger fares and the uncertainty around ridership projections into the future are a concern for the COP as it evaluates implementation of the System Plan.

Conclusion

Through a third year of unprecedented disruption, Sound Transit has maintained its essential business functions of operating its trains and buses. However, it faces a number of challenges in construction, with the schedule for four of its five Link extension projects significantly slipping. The Agency faces challenges as cost escalation and labor shortages continue. Community support for Sound Transit's services appears strong and will remain so if concerns around issues including fare enforcement, public safety, emergency protocols, and asset management are addressed.

Sound Transit's continued success is the result of an engaged Board and an exceptional staff. The agency's new CEO, Julie Timm, appears to be well-suited to guiding Sound Transit through

these challenging times. The COP remains confident that she, along with her leadership team, and the agency's dedicated staff will develop and implement strategies to ensure the successful construction, opening and operation of new Sound Transit services in the coming years.

Sincerely,

COMMUNITY OVERSIGHT PANEL

A handwritten signature in blue ink that reads "James Peyton". The signature is written in a cursive, flowing style.

James Peyton,
Community Oversight Panel Chair