

Regional Transit Authority
January 14, 1994

Members Present:

Bruce Laing, Chair; King County Councilmember
Bill Stoner, Vice Chair; Pierce County Councilmember

King County:

Martha Choe, Seattle Councilmember
Don Davidson, Bellevue Mayor
Mary Gates, Federal Way Mayor
Greg Nickels, King County Councilmember
Jim White, Kent Mayor

Pierce County:

Sharon Boekelman, Bonney Lake Councilmember
Ken Madsen, Pierce County Councilmember
Paul Miller, Tacoma Councilmember

Snohomish County:

Dave Earling, Edmonds Councilmember
Ed Hansen, Everett Mayor

Washington State Department of Transportation

Sid Morrison, Secretary

The meeting was called to order at 1:52 p.m. by Chairman Laing in the Auditorium of the Snohomish County P.U.D. Building, 2320 California, Everett, Washington.

Appoint Clerk

It was moved by Mr. Morrison, seconded by Mr. White and carried by the unanimous vote of all Regional Transit Authority (RTA) Board members present that Ms. Debi Milham be appointed Official Clerk for today's meeting.

Approve Minutes

It was moved by Mr. Stoner, seconded by Mr. Earling and carried by the unanimous vote of all RTA Board members present that the minutes of December 10, 1993 be approved as presented.

Welcome

Mr. Hansen said that as Mayor of Everett, I would like to welcome the RTA Board to Everett, and thank the P.U.D. for making its auditorium available for today's meeting.

Public Comment

Mr. Laing asked for public comment at this time, and there was none.

Report of the Chair

Mr. Laing made the following remarks:

I would like to ask the Board's consideration of an amendment to today's agenda. I have lettered the bullets listed under item six on today's agenda. I am asking that the Finance Committee's report be heard first. My reason for doing so is that should the Board concur with the Finance Committee's recommendation on one item, documents would need to be delivered to Olympia today. I am proposing that the third bullet, report of the Legislative Task Force, be moved to the end of the committee reports because their report would transition into the commuter rail item on today's agenda.

Item nine on today's agenda notes the cancellation of the Board's January 21 meeting. The next meeting of the RTA Board will be held on January 28, 1994 from 1:30 to 4:30 p.m. in the Metropolitan King County Council Chambers, 402 King County Courthouse, Seattle. I believe the reason for the cancellation of the January 21 meeting is that our new Executive Director will be able to join us for the Board's January 28 meeting. Mr. Matoff will also be available before that time to have input into the agenda for the January 28 meeting. Based on the conversations at the last Board meeting, I think it is the sense of the Board that Mr. Matoff have as much input as can be accommodated. With that in mind, these changes in meeting dates have been made.

Recommended Actions and Committee Reports

Staffing Task Force

Mr. Laing gave the following report:

The Board authorized me to negotiate a contract with the Executive Director, under the guidelines discussed on January 7. I then worked with legal counsel, Mr. Bob Gunter, to develop an outline agreement covering the points the Board discussed. By the following Monday Mr. Matoff and I had reached a tentative agreement, and I reported this to the Rules Committee on Wednesday.

There are two things that differ from the conversations of the Board. Mr. Matoff requested six weeks of vacation per year. I had it in my mind that the Board had discussed the provision of four weeks of vacation. Mr. Matoff has received six weeks

of vacation per year for some time and I felt that, because of the uncertain time period involved, this was a reasonable part of the compensation package.

The second thing has to do with the provision of an automobile, to be used for business purposes, and a Metro bus pass for the Executive Director. The provision of bus passes for all three counties within the service area has been added.

These are the only changes to the employment provisions discussed by the Board. I am open to any questions. Resolution No. 11 has been distributed today (copy on file); it would appoint Mr. Matoff as the Executive Director and authorize an employment agreement.

Mr. Davidson asked when would Mr. Matoff plan to take his six weeks of vacation? Mr. Laing said this vacation time would be accruable; I would anticipate Mr. Matoff would utilize this vacation time some time in the distant future.

Mr. Davidson said the RTA has a large work program, so the timing of when Mr. Matoff would take his six weeks of vacation is a serious question. Mr. Laing said the six weeks of vacation is accruable so it can be put off. There is a stipulation that at such time as there is a separation of Mr. Matoff from the Authority, he would be compensated for accrued vacation, he explained. I believe this is reasonable under the circumstances, he added.

It was moved by Ms. Gates, seconded by Mr. Stoner and carried by the unanimous vote of all Board members present that Resolution No. 11 be approved as presented.

Mr. Laing continued his remarks:

In Mr. Brubaker's absence, I would like to remind Board members that the Chair was also authorized to negotiate a contract with the Clerk. Legal counsel has placed major emphasis on accomplishing the contract with the Executive Director. I would like to have Mr. Gunter give a report on the progress of the contract with the Clerk.

Mr. Gunter said the Clerk will be available to begin employment on February 1, 1994.

Finance Committee

Mr. Nickels gave the following report:

The Finance Committee has two items on which it would like to report. The first is Resolution No. 10, copies of which have been distributed today (copy on file).

The Finance Committee has been talking about different ways to have some money available to the Authority for working capital. Resolution No. 10 would authorize the filing of an application for and the receipt of Central Puget Sound Public Transportation Account (CPSPTA) funds. The RTA has already applied for \$2.3 million from that account, primarily for the north corridor of commuter rail, to do some of the work that has already been completed in the south corridor. This resolution would allow the request for an additional \$250,000 to be used for staff and consultants, developing financing and system plans, and submitting that to the voters. This application must be submitted by 5:00 p.m. this afternoon. It is one potential source of funds for the RTA to have available for lobbying, staff and for paying the bills we are accruing.

It was moved by Mr. Nickels, seconded by Mr. Davidson and carried by the unanimous vote of all Board members present that Resolution No. 10 be approved as distributed.

Mr. Nickels continued his report:

The second item is an information item. It is the fiscal year 1994 budget summary, which has been distributed today (copy on file). The Finance Committee went through the budget, as a committee, looking at anticipated revenues over the next year and those expenses we have identified to date. We wanted the Board to have access to this information. At the January 28 meeting the Committee will be bringing back a proposed budget for the Authority for fiscal year 1994. If there are any questions, Board members will have a chance to reflect and pose their inquiries to the Finance Committee at its meeting next Wednesday or at the January 28 Board meeting. The Committee is providing the proposed budget today, and is interested in hearing from Board members.

Mr. Laing said I cannot recall how the request the Board just authorized to go to Olympia relates to the budget. Mr. Nickels said if the RTA receives the CPSPTA funds, this would be added to the budget. At the January 28 meeting, he continued, the Board will be discussing Bellevue's proposal for the RTA to apply for STP funding. The Board has given no authorization to seek those funds, he said, so they are not reflected in the budget. If the Board decides to seek these funds and they are received, he explained, this would have to be taken into account on the revenue side of the budget.

Mr. Miller said page four of the packet indicates supplemental income sources.

Mr. Laing said the application for funds results in a commensurate expenditure obligation. To that extent, he said, it does not address the projected shortfall. Mr. Nickels said the \$2.3 million grant has a work program associated with it. The \$250,000 we are seeking from the Puget Sound account does not have an additional work program, he stated; it is intended to

support the activities of the board in developing the financing and system plans for submission to the voters.

(Ms. Choe arrived at this time.)

Rules Committee

Mr. Laing gave the following report:

Board members should have at their place a memorandum dated January 12, reporting on the January 12 Rules Committee meeting (copy on file). It has attached, for your information and consideration, some items that were passed out at the Rules Committee meeting for the purposes of advising the Board and asking for action in the future.

The first is a draft request for proposals (RFP) for strategic planning services. This came as a recommendation from the Legislative Task Force. It grew out of the task force's work in selecting a consultant for this session of the state legislature. In their conversations and in their recommendations and conversation with the Rules Committee, the proposition was that the Board and Executive Director might benefit from the services of a firm that could bring a variety of talents to our strategic planning. The kinds of activities to be undertaken and the sequence necessary to accomplish our goal, which is to ultimately obtain the approval of the legislative bodies of the three counties and the voters, would be considered. I think the RFP will go into the specifics, but I wanted to broach the subject with you today so you can begin to think about this. I also intend to discuss this with the Executive Director and obtain his advice on the concept of using these kinds of services. I let him know about this conversation and will send him a copy of my memorandum.

Mr. Madsen said I have some minor clarifying language I would like to have reviewed. What is the process for doing so?, he asked. Mr. Laing said the proposed language could be considered at this time.

Mr. Madsen said I do not have the language available today. Mr. Laing suggested the proposed language be sent to the Chair, with copies mailed to Board members, referring to this draft RFP.

Mr. Laing continued his report as follows:

The second item is a draft resolution authorizing reimbursement for Board members' expenses and per diem under the Revised Code of Washington (RCW) 81.112.040(3). It is presented for the Board's review and consideration.

One point on which the Rules Committee spent some time was the amount of per diem to be stipulated. The statute allows up to \$100 per day. Many of the existing transit agencies have a per diem ranging between \$40 to \$45 per day. The Rules Committee felt that because of the transit authorities involved, the size of the region, the extent of commuting involved and the length of time spent going to meetings in distant locations, \$85 per day is a reasonable amount for per diem.

The Rules Committee would accept comments on its proposal. Action is not being sought on this proposal today; it is provided as an information item.

Finally, the Rules Committee has provided an outline of the responsibilities for the Committee. As you may recall, the responsibilities for the other committees were listed at the time of their formation. The Rules Committee was formed without stipulating its duties. This outline is the Committee's suggestion, for the Board's consideration and action at the next meeting.

Public Involvement Task Force

Mr. Earling gave the following report:

I believe Board members have received today a written report from the Public Involvement Task Force (copy on file). There is also an attachment from Mr. Denny Fleenor regarding cable TV opportunities. The task force will provide a similar report at each Board meeting, with copies made available for the public.

A short video is being produced to introduce the RTA to the public. The purpose of this video is to raise awareness of the RTA and the issues it is addressing. Portions of the video will be narrated by four members of the RTA Board--Mr. Laing, Ms. Boekelman, Ms. Choe and myself. The video will have a "shelf life" of three to four months; it will be used as we try to introduce the RTA to the public. The video will be approximately eight minutes in length. It will be available for community and neighborhood meetings, and to civic organizations, by approximately February 1.

As I mentioned at the Board meeting last week, the Public Involvement Task Force held a citizen workshop approximately one and half weeks ago. The task force determined, after discussing the workshop, that the program it had developed for public involvement is still appropriate. The original proposal included funds for special projects. Based on the feedback from the workshop, there is overwhelming consideration to be given to a concept of neighborhood, community and grassroots involvement. I believe the project should proceed along those lines. There seems to be a true interest on the part of the public in having the opportunity to be involved. We have also determined we should

have opportunities for public discussion as we begin to reach key decision points. The last "bullet" reiterates our need to listen to and respond to the public.

We have had discussions about cable TV opportunities and the possibility of recording Board meetings. One possibility is to produce an in-studio message by Board members or others for viewing on cable television. I believe this would be much more effective than broadcasting a three-hour meeting. Additionally, in line with Mr. Nickels' remarks that the RTA still has no funding, it will cost only half as much to produce the in-studio messages versus taping and replaying entire Board meetings. The task force is recommending the pursuit of this option; if board members have an opinion contrary to this recommendation, they are asked to inform the Public Involvement Task Force.

The task force has been looking at the voter survey which has been approved by the Board. After looking at some of the timing issues associated with the hiring of a new Executive Director, we are reviewing the timing of that first survey. The recommendation would be that we draft additional questions seeking opinions about rail service on roadways, as long as this can be distinguished fairly and understandably from rail in exclusive rights-of-way. I suggest we send the questionnaire to Mr. Matoff for his review and input and on the timing of the survey. We will take this up at the next meeting of the task force, and report back to the Board at its January 28 meeting.

We are revising our preliminary budget and will have additional recommendations at the next meeting of the Finance Committee. It is hopeful these recommendations will respond to the lack of available funding.

The last issue is that as you may be aware, we are in the process of having commuter rail open houses for the south link. Mr. Laing, Mr. Nickels and Mr. White attended these meetings and can respond. There were 40 to 60 people in attendance at each meeting thus far. An additional meeting will be held on January 27.

Mr. Laing said Ms. Boekelman also attended the open house in Puyallup.

Legislative Task Force

Mr. Madsen gave the following report:

The Legislative Task Force was responsible for finding a lobbyist for the 1994 state legislative arena, in addition to identifying lobbying support in Washington, D.C. The task force has done that and I would like to introduce Mr. Jim Metcalf. Mr. Metcalf will perform lobbying for the RTA in the 1994 state legislative session.

On the federal level, the Board has entered into an agreement with the WSDOT to utilize Mr. Denny Miller's firm for lobbying in Washington, D.C. Mr. Tim Lavane, from that firm, is present today trying to learn what the RTA is all about. I have talked to Mr. Miller on the phone, and I believe we are off to a good start.

The task force would like to make two recommendations. The first covers the state legislative program, and it is included in the packet distributed today (copy on file). The recommendations are included in a memorandum dated January 14, 1994.

Three levels of activity have been identified. In discussions with Mr. Metcalf, he has been informed that issues in Level 1 would have the highest priority for the allocation of his time. Level 1, item A is intended to protect the RTA from any damage the legislature could do to existing legislation. This is a defensive action. There are people who have their own agendas, and the RTA needs to protect itself.

Level 1, item B is intended to allow the County Executives to appoint themselves to the RTA Board if they so choose. The task force believes it will be easy to achieve this proposal. Representative Fisher has introduced this legislation and we believe it will be successful.

With regard to Level 2, item A, there is a question presented by the law. The law says there must be an election within two years after the RTA Board is organized. Item A is intended to clarify that September or November 1995 is a valid election date within the existing legislative language.

Level 2, item B was substantially rewritten this morning. This is an instruction to Mr. Metcalf to find any funds he can in Olympia. He has already had some discussions on this topic; we do not have high hopes for this proposal.

Level 3, item A is intended to clarify a semantical problem. There must be a clearly articulated process for "feeding" a transit system. The task force feels we must include wording in the statute describing how we will feed a rail system. I do not personally believe the word "bus" should be used because we may want to use some other technology to feed the rail system.

Level 3, item B addresses the fact that the statute says what the people will vote on is the "plan." Some of us wonder how big the ballot would be if the entire plan were printed. This proposal says people will not vote for the plan, but they would vote for the taxes associated with the plan, as is done with other taxing districts. This authority would explicitly allow a staged or incremental approach to funding and implementation of the system plan, without requiring a vote on the system plan. Mr. Aubrey Davis has

talked to several Board members about this proposal; this language is an expression of what Mr. Davis has been talking about.

It was moved by Mr. Madsen and seconded by Ms. Choe that the Board adopt the 1994 state legislative program as recommended by the Legislative Task Force.

Mr. Morrison made the following comments:

As a member of the Legislative Task Force, I would like to associate myself with the remarks of my colleague. The incremental phasing proposal with which Mr. Matoff thrilled the Board virtually requires that we take something less than the entire system plan to the voters.

I can also report on a meeting with the Regional Transportation Coalition, which includes the Seattle Chamber of Commerce. They seemed to enthusiastically steer us in this direction in a meeting on Monday. I am delighted to bring this to the Board, and I strongly recommend the proposed legislative package.

Mr. Miller said with regard to Level 1, item B, although this proposal has been floating out there, I am not sure this Board has directly discussed this. I have some reservations about changing the makeup of this Board as we get into the mid-stream of debating the issues of design, he stated. I am not sure I am personally supportive of this measure, he said, and I am not sure it should move forward without discussion by the Board.

Ms. Choe made the following statements:

There are a couple of vacancies on the RTA Board at the current time. Whoever joins the Board will be new to the process.

When the proposal in Level 1, item B came up, it was my understanding that the opportunity for County Executives to appoint themselves to the RTA Board had been an oversight when the state law was written. Given the importance of transportation in the tri-county region, it is my opinion that we would benefit if they so chose to devote their time and energy to this cause. They may choose not to do so. I do not think providing this option would harm the RTA. We could benefit from this proposal, given the importance of transportation in the tri-county area. I would speak in favor of the proposal contained in Level 1, item B of the legislative package.

Mr. Earling commented as follows:

Upon hearing of this potential legislation introduced by Representative Ruth Fisher, I called Mr. Bob Drewel, Snohomish County Executive, to see how he felt about it. He indicated that he is interested in transportation issues, but that he was pretty busy and he felt nonplussed about the appointment possibility. I know he would serve on the RTA Board if asked to do so.

Respective of Ms. Choe's remarks, the question is, with the load they are already carrying, whether the County Executives will have the time and energy to give to the task that confronts us. I am not comfortable with the rules of the game changing like that. I realize we will have two more members on the Board, but I do not like the potential of having five new members. I do not support the proposal in Level 1, item B.

Mr. Madsen made the following comments:

This issue has been before the Board for some time. It is my understanding that even Mr. Locke may not have time to serve on the RTA Board. Mr. Stoner and I talked with Mr. Sutherland yesterday. He was not really interested in taking the time to serve on the RTA Board.

The issue of whether or not the County Executives have the option to serve on the Board is the question. They have the right to make appointments to the Board, with the confirmation of their county councils. Are they automatically denied the option of serving on the RTA Board? Existing law says this is the case. With the proposed language, the County Executives would have the option of serving on the Board.

Ms. Gates made the following statements:

I have no problems with the statement, as written, as a policy. I would have a problem with this proposal being included in Level 1 of the legislative package. It implies these are things we want to achieve and to achieve with great gusto. There may be some other things of importance above and beyond this issue. It is its placement, rather than the idea of giving the County Executives the option of serving on the RTA Board, that concerns me. I would like to see us reconsider our priorities. I suggest the likelihood of success with this proposal may give the Board a good feeling, but there are issues included in Level 2 that seem much more significant.

Mr. Madsen said I have no objections to moving the proposal listed as Level 1, item B to Level 3; however, I would have a problem removing this proposal from the legislative package. He said the train is on the track and moving; the Board can either get in the way or get out of the

way. Placing this proposal in Level 3 would identify it as an issue the RTA has some concern with, he stated, and I believe this is the case.

Ms. Boekelman said I have a concern that bringing in five new players at this time would create difficulties. In compromising with myself, she continued, I feel this proposal should be a lower priority. She said I believe the Board should pursue this proposal much less aggressively than issues identified as a first priority.

Mr. Davidson said this proposal does not speak to allowing five new members on the RTA Board. Would this proposal increase the size of the RTA Board?, he asked. Mr. Madsen said no.

Mr. Davidson said there are two, rather than five, vacancies on the Board at the present time. These openings are both from King County, he noted.

Mr. Miller stated the following:

I would like to add some clarifications. This measure will be dealt with differently in each of the counties. There are currently two vacancies in King County. I understand they will be filled more quickly as opposed to waiting until after the legislative session. If they are filled, there is the potential for the three County Executives to join the Board following the passage of this legislation. This would mean removing one of the existing board members in order for the County Executive to join the Board. There is the potential for this situation to occur in King County; this may differ in other counties.

Mr. Davidson asked what powers does the King County Executive have to remove people who have been appointed to the RTA Board? Mr. Laing said there are no such powers. Mr. Gunter said there is no removal process provided in the statute.

Mr. Earling said I agree with Ms. Gates. If we move this proposal further down the list of priorities, he stated, I would support it.

Mr. Madsen said I will amend my motion to move the proposal listed as Level 1, item B to Level 3, item C.

Mr. Laing said that with regard to new members getting up to speed on issues before the Board, it is my observation that Mr. Hansen came up to speed very rapidly in the Board's executive session last week.

Mr. White said perhaps we could satisfy Mr. Nickels' concerns by moving the proposal listed as Level 2, item B up to Level 1.

Ms. Gates made the following statements:

I was going to suggest moving Level 2, item B to Level 3, item A, and moving the item listed as Level 3, item A up to Level 1, item B. If we truly go to the ballot, there is no way that commuter rail is going to work without deciding how we "feed" people into the system. The proposal listed as Level 3, item A needs to be much higher on the priority list.

Mr. Madsen said I would accept Ms. Gates' proposal as a friendly amendment to the proposed 1994 state legislative package.

Mr. Hansen said I have a question about the legislative program. I received a copy of a bill today that would have the effect of allowing the Snohomish County Council to eliminate SNO-TRAN (Snohomish County Transportation Authority), he said. I would like some clarifications that that legislation is not part of RTA legislative program, he stated. Mr. Madsen said that legislation is not a part of the RTA legislative package. I think it would be inappropriate to include such a proposal as part of the RTA package, he continued.

Mr. Miller commented as follows:

We have established three levels of priority for the state legislative package. I would hope we are pushing forward strongly on each of these. I am not going to recommend shifting of the proposals, but in my reading of Level 2, item A, this proposal becomes absolutely essential. Without that clarification at this time, we will have had to try to schedule a ballot measure in the spring of 1995, which would be during the legislative session. This is true also of Level 3, item B, which is the ability to separate the plan, as we will be making decisions long before we can get back to the legislature in the 1995 session. It is essential to push that forward.

Mr. Madsen said it may be possible to attach some of these proposals to legislation proposed by others. The assignment of these proposals to these levels was done two or three weeks ago, he said, but I do believe they will shift around. He said I agree with Mr. Miller's comments.

Mr. Miller said I see very little difference in the priorities. Mr. Madsen said we have not discussed this a lot, but there may be instances where someone other than the RTA may be the lead for these proposals. The RTA would provide its support, he noted.

Mr. Morrison said that at the same time, I would not mind the RTA Board being in the position of going to the legislature saying it is new, but that there are some changes needed. The RTA has a logic which is embodied in the motion on changes we need statutorily and for revenue sources, he said; those things are embodied in these proposals. The RTA may wish to add this

wording onto someone else's proposed legislation, he said, but it could benefit from taking the stance that it is willing to do something to achieve the goals it has set for itself.

Mr. Nickels made the following remark:

The idea of an initial vote with the incremental portion of funding and the plan makes sense. I have some concerns about not asking for a vote on the system plan. It does not trouble me to ask citizens if they believe this is a plan they are willing to accept as a vision for this region, and presenting them with a portion of the funding. It seems that is a part of our mission.

The motion to adopt the 1994 state legislative program as presented by the Legislative Task Force, moving Level 1, item B to Level 3, item B, and moving Level 3, item A to Level 1, item B was carried by the unanimous vote of all Board members present.

The Board recessed at 2:45 p.m. and was called back to order at 3:00 p.m.

Mr. Laing said that before continuing with today's agenda, I would like to recognize Ms. Maggi Fimia, a member of the Metropolitan King County Council. He asked are there any other elected officials present today?

Mr. Madsen made the following comments:

I would like to conclude my report with one request of the RTA Board members. There has been a discussion about to whom the lobbying group will report and from whom will they receive input. This is not a hard and fast rule, but the task force suggests the lobbyists should provide their reports to the Legislative Task Force or myself, but primarily to Mr. Bob White. I would also request that if Board members have any questions or suggestions for the lobbyist, they be funnelled through myself or Mr. White. The lobbyist should not receive 18 different calls per day with 18 different points of view.

Mr. Nickels said I am assuming that when the Executive Director comes on board, this relationship might change, in terms of reporting to staff. Mr. Madsen said Mr. White knows the content of the legislative package.

Mr. Hansen asked is there a list of names, addresses and phone numbers of staff that can be made available to Board members? Mr. Laing said yes. Staff should make this information, including staff members' FAX numbers, available to Mr. Hansen, he stated.

Commuter Rail

Approve an Approach for Retaining Federal Commuter Rail Appropriations

Mr. Madsen said I would like to ask Mr. White to go through the January 13, 1994 memorandum distributed today (copy on file), regarding options for the expenditure of federal commuter rail funds.

Mr. White gave the following report:

At its December 10 meeting, the Board adopted Resolution No. 08 directing staff to pursue the development of approaches to increase the security of the federal funds that have been allocated to the commuter rail project. Staff from the transit agencies and the WSDOT, in consultation with a variety of consultants supporting the WSDOT and RTA work programs and the Ports of Seattle and Tacoma, have looked at some of those options. The memorandum describes the two most favorable options available to the RTA at this time.

Option A - Current Expenditure Plan is illustrated on page two of the memo. This scenario is the RTA's current federal funding strategy and the basis of the RTA's current grant from the Federal Transit Administration (FTA). It also presents a work program that would lead to implementation of commuter rail in the time frame previously identified, which is within two years of a successful ballot measure. I would point out that this work program for the expenditure of these funds is an advance of where we were a year ago in our testimony before Congress, and it allows us to explain how and when we would use these funds.

I would like to call your attention to the second to the last line of the chart on page two. In 1996, under this program, we would spend \$23.5 million on station right-of-way and construction activities to implement commuter rail. The difference between Options A and B is how we would use those funds.

Option B - Accelerated Track and Signal Improvements. Under this option the RTA would explore, with the railroads, WSDOT and other interested local agencies, the potential to advance expenditures and federal funds from 1996 to 1994 or 1995 to make track and signal improvements in the corridor between Tacoma and Seattle. Doing so appears to offer a couple advantages to the Board:

- 1) By expending funds sooner instead of later, we increase the security of those funds in regard to future Congressional action;

2) This option provides the opportunity, perhaps, to enter into some agreements that would advance commuter rail programs in terms of procurement strategy for this project and it allows agreements with the railroads that are important to achieve in the long run.

Before outlining the elements of those agreements with the railroads, I would like to emphasize that the kinds of improvements that we have identified are common between the commuter rail project and the state's intercity passenger rail program. As a result, we can demonstrate immediate public benefit from investing these funds and in making expenditures that the commuter rail program would ultimately require.

If we pursued this option, we would retain the funding identified in the current 1994 and 1995 commuter rail project and thereby maintain the project's implementation schedule through the time of a vote. We would take \$18.8 million in federal funds from 1996 and propose to spend them earlier than previously anticipated. In return, we would ask Union Pacific and Burlington Northern to enter into an agreement with the RTA that could include the following:

- 1) The railroads would provide the necessary local match, \$4.7 million, for the \$18.8 million in federal funds. These dollars are not currently available in the adopted budget.
- 2) A joint operating agreement between Burlington Northern and Union Pacific which would increase the overall capacity between Tacoma and Seattle and address the need for increased capacity from the Ports for additional freight movement, an intercity passenger system, and the commuter rail project.
- 3) The railroads would jointly identify improvements that could be made in this segment. The WSDOT and RTA have available lists of improvements they believe are appropriate; it seems wise to take advantage of the railroads' expertise. The RTA would review those recommendations to be sure they are appropriate and to our benefit. This would help insure that competition between the railroads does not alter the investment.
- 4) The railroads would agree to provide the RTA with the necessary "service windows" of time for commuter rail operations on these tracks. This is something we will ultimately need to negotiate.
- 5) The railroads would discuss an agreement allowing a third party operator, chosen through a competitive procurement process, to operate commuter rail. This is an important part of the eventual agreement with the railroads to be sure operating costs in the future are as low as possible.

These are the two options being considered. The Legislative Task Force suggested staff should pursue Option B, with the understanding that staff would report back by February 25. An important part of this option is that we would retain flexible grant expenditure planning if the type of agreement I have outlined does not seem achievable.

Mr. Hansen said I notice Option B talks about service between Seattle and Tacoma; there is no reference to service to Everett. Is that service precluded by Option B?, he asked. Mr. White said staff is currently conducting a feasibility study, as directed by the Board, and will report back in March. This option focuses on Seattle/Tacoma service because this \$25 million in federal funds authorized for commuter rail was designated for that corridor, he explained.

Mr. Morrison made the following remarks:

Option B goes back to some of the things we started in December. It will be an interesting process. If you authorize us to proceed, it does not get in the way of Option A being utilized if, after February 25 and after negotiations with the railroads, we come back and the Board does not like the way the package looks.

To bring these railroads together and see what can be achieved through a cooperative process is no minor undertaking. The Legislative Task Force understands that the last joint agreement between the railroads was reached in 1911; this was for joint usage of trackage between Tacoma and Portland and it was virtually mandated by Congress. To bring them together and see what could be achieved north of Tacoma, utilizing the possibility that they can do business with the RTA providing commuter rail service, could achieve something great. We find the tracks cross the Black River north of Tukwila. Right now there is a tremendous hassle and with freight when both could stay on tracks on their side of the road and achieve an efficiency that they refuse to talk about. We find junctions at King Street station operated out of Omaha and south at Fort Worth. This is a unique opportunity. It is a chance to have options for preserving federal funds, which is our basic goal.

Mr. Miller asked how will this mesh with trackage extensions and upgrades for high speed rail?
Mr. Morrison responded as follows:

Anything done with these dollars would parallel investments that need to be made for intercity service and more efficient movement of freight. There certainly is a parallel interest in anything that would be done. We need to flesh that out. Part of this is to ask the railroads what can be done that they think would be most efficient use of funds to advance commuter rail and not jeopardize the standing of the two railroads to compete for business. I think all of this flows in the same direction.

It is not easy, but the Legislature committed \$40.2 million to high speed rail corridor. As we began to spend those funds, Senator Hatfield announced there was no public interest in the corridor. The expenditure of \$40 million represents and interest in the project. I am hoping the RTA can be a part of that because to make it work, we need \$600 million over the next six years to fulfill Washington's commitment to make a high speed corridor work in parallel to Interstate 5. This is a small part of what is a big picture.

Mr. Madsen said it is my understanding that in the corridor between Tacoma and Seattle a guesstimated \$200 million is needed in improvements for all uses. WSDOT and the RTA have identified \$40 million that probably needs to be spent pretty soon and we have only \$18 million, he continued. I think we will have to use everybody to leverage anybody with a deep pocket, he added.

Mr. Gates made the following statements:

I am not sure the negotiations with Mr. Matoff brought out what was found in the interviews; that is that Mr. Matoff has a strength in the area of negotiations. It seems that if the Board is to allow the staff to pursue Option B, we would want to be very inclusive of that talent Mr. Matoff would bring to these negotiations. If Option B is chosen and the staff to be involved in the negotiations are identified, our new Executive Director should be identified as a resource for his advice. In looking at the time frame involved, I am worried about whether we can access Mr. Matoff's talents. I support moving forward with this proposal.

Mr. Madsen said Ms. Gates raises a good idea. I would like to discuss the dates involved, he continued. We have this set for coming to some closure on February 25, he said; part of that closure is the additional \$4.7 million authorized but not appropriated by the federal government. On March 1 the Committees will begin holding hearings, he said, with mark-up in mid-March. There is not a lot of time to do much of anything, he noted.

Mr. Laing said I understand Ms. Gates is asking that the Executive Director be informed and have the opportunity to provide input. Mr. Matoff will not join the RTA as a full-time employee until February 21, he noted, but he will participate to the extent possible before that time.

Mr. Davidson said the issue I see before is us that some people could say we are implementing the commuter rail system. I think there are some people who think it is a part of the major system and there needs to be a vote for the matching funds, he continued. Some of us think we are trying to get federal funds and we need these kinds of plans and commitments to get those funds, he stated. How do we keep this straight with the public?, he asked.

Mr. Laing said legal counsel has advised us of the authority, besides the local option taxes, to implement the system plan. I think this is a good point, he stated. We need to be clear about this, he said, in our own minds. Mr. Gunter cited the RCW which says the RTA may operate or contract for commuter rail service where it is deemed to be an alternative transit mode.

Mr. Laing asked is this separate from the adoption of a system plan? Mr. Gunter said yes.

It was moved by Mr. Madsen and seconded by Ms. Choe that the Legislative Task Force be authorized to pursue Option B as described in its January 13, 1994 memorandum, and report back to the Board on its progress on February 25, 1994.

Mr. Madsen made the following statements:

It is the Legislative Task Force's suggestion that Mr. Morrison and I make the initial contact with the railroads. Mr. Bob White and Mr. Jim Slakey of WSDOT would actually conduct the negotiations with the railroads. They would have the assistance of Gordon, Thomas, Honeywell and Harkins. We would also be instructing Mr. Miller's firm to make an initial approach to get the appropriation of the additional \$4.7 million. Communication through the task force will provide day-to-day guidance to Mr. White and Mr. Slakey. On February 25 the task force would report back on its progress and where we have come to closure.

I want to emphasize that if we are going after this money, we do not have much time. If it has taken 15 years to get an agreement with the railroads in the past, I do not know how we will accomplish this by February 25.

I would also request of the Board that these negotiations are very sensitive. We would like to suggest that you exercise caution and deliberation with representatives from the railroads. The two people we have identified will be involved in the negotiations. I would hate to have us subvert them. I suggest you be cautious in your discussions with the railroads.

Mr. Gates asked will the Executive Director be designated as a staff member to be involved in the negotiations? Mr. Madsen said the addition of the Executive Director's name to the list of staff people involved in these negotiations can be considered a friendly amendment to my motion.

Mr. Morrison commented as follows:

Mr. White is familiar to most RTA Board members for his good work done through the Joint Regional Policy Committee. Mr. Slakey may be new to many of you. I view the

WSDOT team as having enough depth on the bench that we can pull up a pinch hitter. Ms. Renee Montgelas and Ms. Lois Anderson will work with me here. Mr. Slakey will work with the railroads while we handle the legislative program so they see that the RTA and the WSDOT are partners to make a breakthrough that has not been achieved for over a century. That is the reason for the other player. He is tough and he is used to dealing with these people. I think Board members will like Mr. Slakey.

The motion authorizing the Legislative Task Force to pursue Option B, as described in the task force's January 13, 1994 memorandum, with the addition of Mr. Matoff's name to the list of staff members involved in negotiations with the railroads, and including a progress report to the Board on February 25, 1994, was carried by the unanimous vote of all Board members present.

Other Business

Mr. Laing said the Board had a request from the Congressional delegation to schedule a meeting with the RTA Board while they were home. I understand the Legislative Task Force was considering that possibility, he said. Mr. Madsen said I would like to have staff respond.

Mr. Kalberer said I believe Congressman McDermott is trying to establish a time for such a meeting on January 28, prior to the RTA Board meeting. He is having difficulties because people are out of town, he said; if this meeting cannot be scheduled at that time, it may be possible to having such a meeting during the February recess period.

Mr. Laing said at one point the Board talked about the need for a commuter rail oversight committee. This had to do with the project level planning activities and related decision-making, he noted. Did the Legislative Task Force discuss this issue?, he asked. Mr. Madsen said the task force only discussed this subject superficially. In my mind, he said, it was the direction of the task force that we should seek funding and not yet worry about how to spend those funds.

Mr. Laing said I was not seeking a decision now, but this is an issue that will come up because of the time investment that may be needed for the commuter rail aspects of the program. Mr. White responded as follows:

I suggest there will be a need for such an oversight committee. Questions regarding the relationship between decisions for the Tacoma/Seattle corridor and the relationship of the northern section are a part of that. We have talked about the interrelationship between the state's investments and the RTA's investment in some facilities. There will be issues to be resolved in how we develop a coordinated package to spend funds appropriately and more efficiently. I have a personal interest in getting the kind of feedback I think such the full Board can provide. I would still encourage you to consider asking some group

to provide that more detailed oversight to the project than is likely to occur at full Board meetings.

Mr. Davidson said the last subject was rather in-depth. I know we are moving quickly, he said, but it would have been helpful to have received this material prior to today's meeting allow its perusal.

Mr. Laing asked when did the Legislative Task Force last meet and develop this proposal? Mr. Madsen said the task force met this morning.

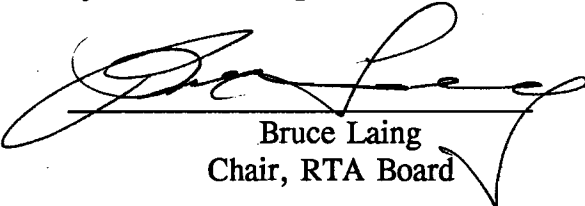
Mr. Davidson said this material was very complicated and difficult to respond to. Mr. Laing said that as a general rule, when there is not a deadline involved, it is the Board's desire to have an item come as an information item prior to action being requested. This would address Mr. Davidson's concern, he said.

Mr. Earling said I have a question regarding a March date the Board set for itself. I hope there will be some discussion of this issue at the January 28 meeting, he said, because the public involvement people from the RTA feel driven by that date. It is not fair to them to continue with this date, he said, and I believe this should be discussed on January 28.


Mr. Laing asked Mr. Earling if the clarity he seeks has to do with the date in March? Mr. Earling said many projects in the public involvement program are driven by making decisions on the system plan in March. I hope to have that dialogue so staff can understand where we are going with that date, he stated.

Mr. Laing said I have no objection to having such a conversation on January 28. I hope the conversations with the Executive Director that will take place before January 28 will allow significant input, he said. I am hoping he will agree that he supports the discussion of this subject, he continued. His comments suggested a nine to 12 month time frame to develop a first phase alternative, he continued; The Board hasn't made that policy decision and we need to decide what it takes to look at that and alternatives to it. I hope that conversation will begin on January 28. Mr. Matoff will be present on that date, he said, and hopefully he will be comfortable enough to feel good about his participation.

As there was no other business, the meeting was adjourned at 3:40 p.m.


Bruce Laing
Chair, RTA Board

ATTEST:


Debi Milham
Acting Clerk