

**Regional Transit Authority
January 27, 1995**

Meeting Minutes

Call to Order

The meeting was called to order at 1:44 p.m. in the Auditorium of the Snohomish County PUD, 2320 California Street, Everett, Washington by Chairman Laing. The Board Administrator called the roll and the following members were present:

Chair:

Bruce Laing, King County Councilmember

Vice Chairs:

Dave Earling, Edmonds Councilmember

Paul Miller, Tacoma Councilmember

King County:

Don Davidson, Bellevue Mayor

Mary Gates, Federal Way Mayor

Jane Hague, King County Councilmember

Greg Nickels, King County Councilmember

Jim White, Kent Mayor

Pierce County:

Sharon Boekelman, Bonney Lake Councilmember

Ken Madsen, Pierce County Councilmember

Snohomish County:

Bob Drewel, Snohomish County Executive

Washington State Department of Transportation:

Lois Anderson, representing Sid Morrison, Secretary

The Board Administrator indicated that a quorum of the Board was present.

The following Board members arrived after roll call:

King County:

Martha Choe, Seattle Councilmember

Cynthia Sullivan, King County Councilmember

Pierce County:

Doug Sutherland, Pierce County Executive

Minutes of October 28-29, 1994

It was moved by Mr. White and seconded by Mr. Earling that the meeting minutes of October 28-29, 1994 be approved as presented.

Mr. Laing:

These are the minutes of the meeting in which the system plan and financing plan were adopted.

The motion to approve the minutes of the October 28-29, 1994 meeting was approved by a unanimous vote of board members present.

Minutes of December 2, 1994

It was moved by Mr. White, seconded by Mr. Earling and carried by the unanimous vote of all board members present that the minutes of the December 2, 1994 meeting be approved.

Report of the Chair

Mr. Laing:

We were invited to attend the annual legislative conference and reception of the Washington State Transit Association. This will be held at the Westwater Inn in Olympia at 6:30 p.m. on Thursday, February 16.

(Board member Sutherland arrived at this time.)

All Board members are encouraged to attend this event. If you are able to attend, please notify the Board Administrator. This is an opportunity for Board member to not only meet board members of other transit agencies, but to meet state legislators who are interested in transit.

Public Comment

Mr. Mark Dublin:

I live in Ballard and am currently driving for Metro from North Base. I drive routes traveling from Woodinville and Bothell and going through the downtown tunnel.

With regard to Resolution No. 55, I think that as I have said before, the RTA should get more specific about how to operate express bus transit. Given a recent experience of mine, I think there are some possibilities with this mode of transit that could sway public opinion in favor of the RTA.

In the last several weeks I have found you can get an express coach from Seattle to the SR 512 park-and-ride in about an hour and on to Olympia approximately a half hour later. It is possible to get from Seattle to Olympia in 1-1/2 hours, do a day's business and then get back on the bus. I congratulate Pierce Transit and Intercity Transit for providing clean and comfortable buses that are quite fast. As people contemplate bus transit, in their minds, bus transit tends to be just the opposite of this; people think the buses will be dirty, uncomfortable and slow. If the RTA could promise people that they would get good, fast, clean, comfortable buses, that in itself would swing public opinion.

The City of Everett feels left out. I think there is a direct application for this express bus service. It should be possible, within the time frame for light rail, to develop an extremely high quality express bus service from Everett to Seattle. With dual powered coaches, I think you could run express service from Everett, through the downtown tunnel, and on to SeaTac Airport. I would ask that in doing this, the Breda coaches be upgraded considerably. They are not operating up to their own potential. They are uncomfortable and slow. I think that bus has possibilities. It could be refitted and could provide an Everett/Seattle/Seatac Airport run. This service could be running within a couple of years where citizens of Everett might wait 15 years for light rail service. I think there are tremendous possibilities.

Regarding the State of Washington, many drivers wonder at the state's cooperation up to now, specifically with the freeway express lanes. We often use them, but we often find them closed. There doesn't seem to be a hard and fast schedule for them. I feel our needs are not taken into account by the Highway Department. I think the needs of the transit system could be given higher priority. It has been discussed previously and there may be a resolution. When there is a snow emergency, we could have those lanes; this would put us a long way ahead. This would be the state cooperating with regional transit.

With bus transit, the state Highway Department, the capital equipment in place and some additional capitol expenditure, we could promise and show a very fast increase in bus transportation in a very short time.

(Board members Sullivan and Choe arrived at this time.)

Executive Director Report

Mr. Matoff:

I have prepared, per a request from Mr. Laing, a memo that has been distributed today (copy on file) covering the issue of the method in which the cost estimates for the tunnel segments of the light rail system have been prepared. As a number of you are out speaking on the issue of our proposed project, occasionally questions about the certainty of those cost estimates come up and you should be confident of the figures. The memo is intended to give background to explain the basis for those numbers. I can answer any additional questions.

Also provided today (copy on file) is a memo from Ms. Jan Hendrickson in which she explains the methods used to prepare the figures relating to the incidence of the local share of the tax for the system on a household average income. There have been some questions regarding the method used to derive those figures; they are explained in this memo. Ms. Hendrickson is available today to answer questions.

Ms. Sullivan:

With regard to tunneling costs, having read through the memo, what occurred to me is that the list on the second page is a list of things to be done in the tunnel segment to insure cost containment. I think these suggestions are excellent, and I believe they should be applied to every project.

Mr. Matoff:

That is our intent. These methods are clearly of benefit to employ in areas of most capital intensive expenditures.

Mr. Davidson:

The type of tunneling used under Third Avenue is different from that proposed for use under Capitol Hill. Was that calculated or did we use the same tunneling cost estimates?

Mr. Matoff:

I believe it was a combination of the two. Some tunnels are bored; the Seattle transit tunnel was done cut and cover. We are using bored tunnel techniques for the RTA project.

Mr. Davidson:

Is this the case as far as cost estimates are concerned?

Mr. Venturato:

The cost estimate assumed all bored tunnels, and mined stations. It would be different from the method used on Third Avenue and Pine Street. They used cut and cover on Pine Street and open cut and cover for the stations. We would not be doing that.

Mr. Davidson:

Do the cost and cost estimates all contemplate bored tunnels?

Mr. Venturato:

Yes.

Mr. Sutherland:

What would happen if we have a revenue shortfall. I would like to have a brief discussion of that before today's meeting is completed.

Mr. Laing:

I will come back to this subject during the period designated for "other business."

Mr. Matoff:

Our ballot title has been certified by King County.

There will be a first kick-off trip of TRY RAIL tomorrow morning, leaving Everett at 9:30 a.m., after remarks by Mr. Laing. I want to extend special thanks to the staff of the City of Everett for their assistance in implementing this service.

Rules Committee

Resolution No. 51 - Authorizing the Execution of a Memorandum of Agreement with the Port of Tacoma, Port of Seattle and Washington State Department of Transportation Regarding the Implementation of Passenger Rail Services and the Preservation of Rail Freight Mobility

Mr. Laing:

I would draw your attention to Resolution No. 51, which would authorize a memorandum of understanding with the Port of Tacoma, Port of Seattle and the Washington State Department of Transportation (WSDOT) regarding the implementation of passenger rail services and the preservation of rail freight mobility. The Rules Committee recommended adoption of this resolution.

It was moved by Mr. Nickels and seconded by Mr. Drewel that Resolution No. 51 be approved as presented.

Mr. Matoff:

This resolution deals with the adequacy of the capacity of our railroad network to handle the proposed commuter rail service. The state is increasing intercity rail service through Amtrak, and increasing port traffic has been an issue. The intent of this action is to permit us to enter into a memorandum of agreement with the Ports of Seattle and Tacoma and the WSDOT to deal with that issue. There is detailed work that needs to be done; this provides the basis for us to do that work. I will ask Mr. White to add any salient points. This resolution has been before the Board previously.

Mr. Laing:

Mr. White has indicated he has nothing to add to Mr. Matoff's comments, but he is willing to answer questions.

Mr. Matoff:

This agreement has been approved by both the Seattle and Tacoma Port Commissions.

Mr. Nickels:

I believe the proposed action is a great idea.

The motion to approve Resolution No. 51 was carried by the unanimous vote of all Board members present.

Resolution No. 55 - Supporting a Comprehensive State Transportation Policy

Mr. Laing:

Resolution No. 55 would support the State's Comprehensive Transportation Policy.

It was moved by Mr. Madsen and seconded by Mr. Earling that Resolution No. 55 be approved as presented.

Mr. Madsen:

This seems pretty obvious to those familiar with transportation issues. In discussing the issue of the RTA with legislators, it is clear there is some misunderstanding of our role in the overall transportation system in the region and state. This resolution is intended to clarify that we, as a Board, feel the total state transportation package is important and we support it even though, as local elected officials, we have a great deal at stake with those parts of the system other than rail. This is an affirmation that we support the total transportation, multi-modal balanced transportation system in the State of Washington and that we will work with everyone else in this process. I commend this to you and ask for your support.

The motion to approve Resolution No. 55 was carried by the unanimous vote of all Board members present.

Appointment of Committees to Advocate For and Against a Proposition on Phase I of the Regional Transit System

Mr. Laing:

The ballot proposition will appear March 14. This action is the appointment of committees to write the pro and con statements for the voter's pamphlet to be distributed throughout the transit district boundary. In the agenda is Motion No. 3; the word "draft" should be stricken. This is a motion of the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region formally appointing a committee to advocate support of and a committee to advocate rejection of the proposed Phase I system ballot proposition, to be voted on March 14, 1995.

On the reverse is the form provided by the King County Elections division. They will be the coordinator of the voter's pamphlet for the entire region. The form is filled out with the names which the Rules Committee is recommending to the Board.

It was moved by Mr. Miller and seconded by Mr. Madsen that Motion No. 3 be approved as presented.

Mr. Laing:

Up until two weeks ago it was the understanding of the RTA that the elections officials would handle the appointment of these committees. The provisions of the state legislation stipulate that the legislative authority of the entity proposing the ballot measure make this appointment. Conversations with legal counsel lead to the elections officials stating that we must make these appointments. In a relatively short time frame, and working with the vice chairs, we made some outreach and at the last Rules Committee meeting we proposed these names. At the time of that meeting we had proposed names for the committee supporting the proposal but we did not have a list of names in opposition. We made outreach through Board members and through at least one individual known to have publicly stated opposition to the project in order to acquire names. We made contact with the only campaign committee registered to carry on a campaign in opposition to the project. The list of names is the list that campaign committee has endorsed and submitted to us. I believe we have here both the pro and con committees that are the result of an outreach in order to get a representation throughout the region. The campaign committee indicated they will be responsive to the Rules Committee conversation. There are a variety of opinions in opposition so we wanted to be sure that they would be reflected. I am satisfied that this is a reflection of that. I would be glad to respond to any questions.

Mr. Davidson:

This is unusual. Is there any way we assure that the opposition committee, or if there are multiple committees, that they are recognized equitably or if there is one committee, that other people will have equal access. I can see where someone could register as the first opposition committee but others may feel there are other issues to be addressed. How do we deal with that?

Mr. Laing:

To some extent, the Chair, the two Vice Chairs and the Rules Committee encountered some of that problem in this process. This is a strange position for the Board. The county councils face this situation because they put propositions on the ballot. They have to appoint committees for and against an issue when there is a voters' pamphlet involved. It raises the question of ultimately appointing both the pro and con committees. That is required in the state statute. When we made outreach, the spokespersons from the opposition campaign asked to be given authority to appoint the members of the "con" committee. We asked legal counsel and the response was no, that would not be appropriate. The Board has this responsibility. The only one campaign in opposition has registered with the Public Disclosure Commission. We have done other outreach to Board members and people who have stated opposition.

We were convinced there might be others in opposition out there. We have done newspaper advertising in the three counties and received no response. The close of business today is the election officials' deadline for these committees being identified and named to them. If someone came in with a perspective different from what is reflected in the people appointed here, they are behind the curve. The statement has to be in by Wednesday of next week, with the rebuttal due two days later. I think we have done as thorough a job as possible. I am convinced that the con committee is geographically representative and there has been assurance that the perspective of the City of Everett would be reflected, as well as the arguments from others.

Mr. Davidson:

The legislature said it is the responsibility of this body to distribute information to the public. I find in that responsibility I am having trouble dealing with whether that information should be limited to the pro information or whether we have a responsibility to the public that would lead to a pro and con debate. I would be curious, from a legal aspect, when talking about responsibility of information, whether we have a legal responsibility to be sure the debate information is provided as opposed to only certain information being provided to the public. Someone could say you have other information you are not putting out to the public. I could suggest that is an interesting approach to information being distributed. If we are responsible to be sure negative information is accurate and complete and there are two bodies out there, whose responsibility does that become.

Mr. Gunter:

As we have talked about, in terms of the information we provide, the statute says we must provide information to the public. There are some guidelines about what is included in the information provided to the public. Other case law prevents it from being pro or con. We have to inform the public but we must not advocate. Secondly we have to respond to public information requests. The public and others will be asking for a variety of information and we must respond. Thirdly, in terms of the voter's pamphlet, there is also an obligation to work with the elections officials to appoint pro and con committees. I am convinced we have done everything the law requires, given the short time frame. We have talked with the prosecuting attorney's office and think everyone is comfortable with that effort and the ballot title. There has been scrutiny. I see no irregularities. It is a fine line.

Mr. Davidson:

In selecting what information we put out at our own volition. How do we justify that position?

Mr. Gunter:

The information document was reviewed in two draft forms with the PDC to be sure there were no difficulties. The information document had some requirements of things we had to address, such as regional issues.

Mr. Davidson:

Perhaps Mr. Gunter could write a memo back to me on this subject.

Ms. Gates:

In relation to the pro and con statements, as I recall, these statements must be 200 words or less, and the rebuttal may be 75 words in length.

Mr. Laing:

I think Mr. Davidson's comments go beyond this to the information we are distributing.

Mr. Davidson:

That is correct, and I am trying to cope with this other responsibility I see.

The motion to approve Motion No. 3 as presented was carried by the unanimous vote of all Board members present.

Mr. Laing:

Because this is the deadline for this being submitted, I will ask the Board Administrator to have staff contact the elections officer to advise them that these are the names adopted by the Board.

Ms. Walker:

This will be done immediately.

Mr. Laing:

There is a memo distributed today (copy on file) that is related to the action just taken. It is a memo to the committees just appointed that transmits the materials we have adopted, such as the resolution approving the ballot title and describing what our proposal to the public is. It makes reference to the information document being mailed to all registered voters so that the committees will have that information in hand. This is being delivered by messenger to these committees.

Finance Committee

Mr. Nickels:

I had hoped to bring the technical appendix to the Board for action today but it is not ready. I hope to present the technical appendix at the next meeting.

Public Involvement Committee

Mr. Earling:

You will be pleased to know the time schedule for the voter information brochure has been moved forward by a week. It is in production now and the mailing should begin February 6. Because of the enormity of the mailing, this will take several days. It will be completed one week earlier than originally planned due to good work done by Tim Healy.

Included in the packet today (copy on file) is a folder of briefing materials you may find useful in public presentations or in responding to questions. Of particular interest, I would call your attention to a beige-colored memo that addresses some of the numbers and facts specifically called out in the public information brochure. The videotape is almost complete and could be available next week. This is a seven-minute video, and it was reviewed by the Public Involvement Committee last Wednesday. It is my understanding that there are a couple of minor editing changes underway. The interpretive displays are to be completed today and they will show up throughout the county next week. There are three of those displays, and there will be good coverage throughout the three-county area.

We have developed an RTA bulletin. As issues occur during the next several weeks and staff feels there should be a response to various Board members, the bulletin will be used to FAX information to you.

I would last call your attention to the TRY RAIL marketing information. A couple of the signs are being displayed at today's meeting. All local and regional newspapers are running advertisements and the radio stations will also be running ads. Approximately 50,000 brochures have been printed and given to the bus companies. The Sonics have been helpful in the last couple of weeks with their marketing. The first run to a Sonics game will take place tomorrow. Service from Everett to Seattle will begin on Monday. I think you will find various TRY RAIL publication schedules available to the public.

Ms. Boekelman:

To celebrate tomorrow's first run of the TRY RAIL service, some Pierce County members of the Board will come north to travel south on the train. We would welcome any other Board members to Tacoma and we will arrange for a tour of the waterfront and the Museum. People may then take the bus back to Everett or wait and take the train back after the Sonics game.

M/W/DBE Task Force

Ms. Choe:

Before moving on to Resolution No. 54, I would like to provide an update. I would like to refer to Exhibit A of Resolution No. 54. The first action listed is the hiring of a M/W/DBE Program Supervisor. We discussed a way to be sure we are focusing attention on establishing goals to meet the M/W/DBE goals and to provide a liaison. This gives the schedule of when the application period will be closed. Although March 1 is not as soon as we would like, I think it is realistic. It also recognizes it is an interesting challenge, given the upcoming March 14 election date. We have had applications and we will be moving forward. The job description was reviewed by me and I think it has the scope to be sure our progress is addressed adequately.

The second proposed action is to establish federal DBE goals. The difference between federal and local goals is we have less flexibility in terms of non-federal DBE goals. That time schedule will be deferred until disparity studies are completed. Section 2 addresses the federal goals. Staff is proposing draft goals next week for review based on surveys and recommendations. Staff has done good work in coming up with preliminary goals. We have been discussing them with other jurisdictions and reviewing other work back in April with a recommendation for final goals. There will be a public hearing after that time. We may hear some things that would cause us to revise those goals. We plan to come back at the end of April for final adoption.

I have alluded to the fact there is a significant difference between the federal and local goals. This has to do with court cases. Unlike prior times, we are not able to establish goals. There is a disparity study mandated. The local agencies, including King County, Metro, the City of Seattle, the Port and the School District, are participating in that study. That group was formed to provide a collaborative approach to the study. There is work being done in each of those jurisdictions. We would share the data and the local goals would go forward with non-federal DBE goals. It is a lengthy process. That has already been underway in the fall and winter. We will continue through most of the year with an expectation that that study will be done in the summer. It will be the basis for local DBE goals.

I would like to thank those Board members who agreed to serve on this committee. We will meet fairly regularly and then become an ad hoc group. I would invite staff to make any additional comments.

Resolution No. 54 - Establishing a Work Program Related to Minority/Women/Disadvantaged Business Enterprises

It was moved by Ms. Choe and seconded by Ms. Sullivan that Resolution No. 54 be approved as presented.

Ms. Choe:

I was researching some mentorship programs established in Texas. I will be in contact to see if it would work here and how we could use some of the benefits of that program.

Mr. Madsen:

I would like to commend Ms. Choe. This is an issue we have been lacking in for some time. I am happy to see the clarifications and a firm stand on this issue. I support it and ask everyone to support it.

The motion to approve Resolution No. 54 was carried by the unanimous vote of all Board members present.

Recess

Mr. Laing:

The Board will take a five minute recess before addressing other business. We have had a request for an executive session.

The Board was recessed from 2:35 to 2:45 p.m.

Other Business

Mr. Sutherland:

I asked for an opportunity to make mention of something as a result of a meeting with interested people who wanted a status report. There was, very surprisingly, a strong perception among those people that if the vote is successful there would be carte blanche for the Board to change those tax rates at any time it wishes. I was dumbfounded. I wanted an opportunity to reiterate not only what I understood the law to be, but my understanding is that any taxing authority given to this municipality can only be at the consent, through the ballot, of the electorate of this jurisdiction. I just wanted to take this opportunity to raise that and to reiterate that if these discussions continue regarding the level of taxation, we have only the ability through the benefit of the ballot.

Ms. Choe:

I just wanted to let you know the Seattle City Council did take action a couple of days ago to place another ballot proposition before the voters on March 14, dealing with a street closure.

Ms. Boekelman:

I failed to mention that for those traveling from Everett to Tacoma on the bus, there will be a bus taking people from Tacoma to Everett. This bus will stop at the King Street station at 8:00 a.m.

Mr. Laing:

There are at least two Board members interested in making this trip.

The Chair is suggesting we consider an executive session. I have asked legal counsel to describe the general nature and the amount of time involved.

Mr. Gunter:

There is a matter of pending litigation against the RTA. I suggest this be discussed with legal counsel in executive session. This will probably take 20 minutes. This would be appropriate, under state law.

Mr. Laing:

As the Board will take no action after this executive session, I would like to announce that the Board's next meeting is scheduled for Friday, February 10 from 1:30 to 4:30 p.m. in the King County Courthouse in Seattle.

Is there any proposed action to be taken by this Board after the executive session?

Mr. Gunter:

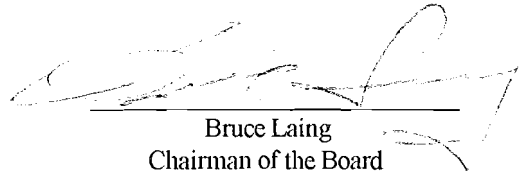
No.

Mr. Laing:

The Board does not intend to take any further action today. The Board will reconvene after its executive session, and then adjourn. I am asking all members of the public to vacate the room so that the Board and its immediate staff may conduct an executive session.

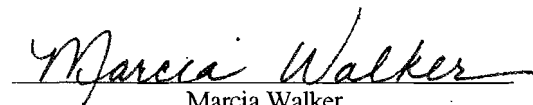
The Board recessed into executive session at 2:52 p.m.

The Board was reconvened and as there was no other business, adjourned at 3:45.



Bruce Laing
Chairman of the Board

ATTEST:



Marcia Walker
Board Administrator

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