

**Regional Transit Authority
Motion No. 7**

A motion of the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region authorizing Executive Director to negotiate protective arrangements with Amalgamated Transit Union (ATU) and Railway Labor Executive's Association (RLEA), in accordance with Section 13(c) of the Federal Transit Act.

Background:

The Central Puget Sound Regional Transit Authority (RTA) has a pending grant application in the amount of \$1,000,000 with the Federal Transit Administration (FTA) for the Commuter Rail Demonstration Project. That grant was submitted to the FTA in January 1995. The grant application for assistance was filed under Section 3 of the Urban Mass Transportation Act. Applying for grant funds under Section 3 triggered a Federal condition that "fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance." [49 U.S.C. Sect. 5333(b)]

In February, the RTA was notified that it would have to obtain certification from the Department of Labor (DOL) that protective arrangements have been negotiated, and DOL notified six national labor unions of the pending grant application. Between February and April, three unions objected to the DOL certifying that protective arrangements had been made and sought to negotiate such provisions.

Because of the short duration and nature of the demonstration project, the RTA sought from DOL a waiver of the Section 13(c) requirements in connection with the commuter rail grant application. After the March 14 election results, the RTA has made extensive efforts to obtain a waiver of applying the Section 13(c) provisions to the Commuter Rail Demonstration Project grant application. The RTA has sought the assistance of the Federal Transit Administration, has responded to the three unions requesting that they waive negotiations, and has sought a formal determination of the Section 13(c) requirements from DOL.

FTA was unsuccessful in obtaining a waiver on behalf of the RTA. One union agreed to waive negotiations, but the Railway Labor Executive's Association (RLEA) and the Amalgamated Transit Union (ATU) continue to seek a protective arrangement.

On August 9, 1995, the RTA requested that DOL provide a formal determination as to the applicability of Section 13(c) to the commuter rail grant application and the current status of the Authority. On September 21, 1995, the Department of Labor responded that regardless of the duration and nature of the commuter rail demonstration project, or the present status of the RTA, the "RTA must complete

the negotiation and development of protective arrangements with the ATU and the RLEA before the Department can issue the required employee protection certification and funds can be released" for the Commuter Rail Demonstration Project grant application. The RTA has been given until October 6, 1995 to respond to the two unions.

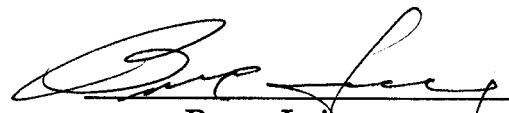
A legal review of the proposals is being conducted at this time. RLEA has proposed that the RTA enter into the national Model 13(c) agreement, and the ATU has proposed that the RTA adopt the agreements that are in place between the ATU locals and Everett Transit, Community Transit, King County Metro Transit, and Pierce Transit.

Motion No. 7 authorizes the Executive Director to prepare and, following further discussion with the Rules Committee, submit a counter proposal to the unions by October 6, 1995, and to negotiate the necessary Section 13(c) agreements. Final approval of negotiated Section 13(c) agreements will be submitted to the Board in accordance with RTA policies and procedures.

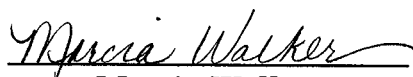
Motion:

It is hereby moved by the Board of the Regional Transit Authority that the Executive Director is authorized to prepare and submit, following further discussions with the Rules Committee, a counterproposal to the Railway Labor Executive's Association and the Amalgamated Transit Union pursuant to Section 13(c) of the Federal Transit Act. The Executive Director is further authorized, to negotiate the necessary Section 13(c) agreements on behalf of the RTA. Final approval of negotiated Section 13(c) agreements will be submitted to the Board in accordance with RTA policies and procedures.

Approved by the RTA Board on September 22, 1995.


Bruce Laing
Chair of the Board

ATTEST:


Marcia Walker
Board Administrator