

Regional Transit Authority

Motion No. 11

A motion of the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region authorizing the Executive Director to execute agreements and approve 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. This grant application was submitted to the FTA in January 1995 under Section 3 of the Urban Mass Transportation Act. Applying for grant funds under Section 3 triggered a Federal condition in Section 13(c) of the Federal Transit Act 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 but 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) demanded protective arrangements.

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.

By Motion No. 7 adopted September 22, 1995, the Board authorized the Executive Director to begin negotiations with the Amalgamated Transit Union (ATU) and the Railway Labor Executive's Association (RLEA) in accordance with Section 13(c) of the Federal Transit Act.


RLEA proposed that the RTA enter into the national Model 13(c) agreement which is acceptable to the RTA. However, representatives of the ATU proposed an agreement form that went well beyond the Model. The ATU and the RTA have exchanged several proposals over the past few months, finally concurring on the version attached to this motion. This version includes more procedural requirements than the national Model 13(c) and has some limited substantive differences, but otherwise tracks the national Model.

Motion No. 11 authorizes the Executive Director to execute the attached 13(c) agreement with the ATU and to confirm to the other unions, such as the RLEA, that the RTA will be bound under the national Model 13(c) agreement or will utilize the attached version.

Motion:

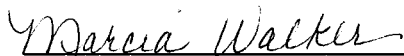
It is hereby moved by the Board of the Regional Transit Authority that the Executive Director is authorized to execute a Section 13(c) agreement with the Amalgamated Transportation Union substantially in the form of the attached agreement to secure federal funding for the Commuter Rail Demonstration project. The Executive Director is further authorized to execute the same Section 13(c) agreement with other affected unions or to indicate that the RTA will be bound under the national Model Section 13(c) agreement.

Approved by the RTA Board on February 9, 1996.



Bob Drewel
Chair of the Board

ATTEST:



Marcia Walker
Board Administrator