

**Sound Transit
Executive Committee Summary Minutes**

April 16, 1999

Call to Order

The meeting was called to order at 1:35 p.m. by Chair Paul Miller.

Attendance

(P) Paul Miller, Chair	(P) Greg Nickels
(P) Bob Drewel, Vice Chair	(P) Paul Schell
(P) Dave Earling	(P) Ron Sims
(A) Mary Gates	(P) Cynthia Sullivan
(A) Jane Hague	(A) Doug Sutherland
(P) Richard McIver	

Report of the Chair

Mr. Miller indicated that the Committee would convene an executive session at the end of the meeting to discuss litigation. Additionally, he indicated that agenda item 7 - a status report on the Overlake Transit Center, had been deferred to a future meeting.

Executive Director Report

None.

Public Comment

Mr. Gregory Govanne, Manager of Labor relations for Giaf Atkinson Construction Co., spoke regarding the Project Labor Agreement (PLA). He indicated that Atkinson has a PLA on five different projects, but that the agreement was negotiated by the parties themselves, not by a third party. He stated that a government-mandated PLA, negotiated by Sound Transit, would detract from the relationships between labor and management and would interfere with the collective bargaining process. He urged the Committee to allow the parties who are responsible for performing the work (the labor unions and the contractors) to negotiate their own agreement.

Bob Helsell, former CEO of Howard S. Wright Construction Co. and current CEO of Wilder Construction, spoke against government mandated project labor agreements. Wilder is signatory to labor agreements in Alaska but has chosen not to be signatory to labor agreements in Washington, Oregon and Idaho, and its employees in 1984 elected to not be represented by labor. Mr. Helsell indicated that a project labor agreement would mean that Wilder would be not allowed to bid. He urged Board members to look carefully at project labor agreements around the country, and at Safeco Field, to see if PLA's prevent strikes. He would like to see ST projects open to all bidders, and stated that 75-80 % of the construction workers in the State of Washington are not represented by a union.

David Roguestad, representing the Association of General Contractors (AGC) of Washington, distributed a position paper to the Committee members. Mr. Roguestad spoke against the implementation of a mandated project labor agreement by ST, stating that the real issue is whether it is proper for public

officials to insert themselves in the collective bargaining process as an inexperienced third party. The union contractors and unions have been working together and negotiating contracts for most of this century, and a third-party government agency is not necessary. He indicated that labor strife is not a problem for the AGC. He suggested that it's far more likely that ST will create labor problems by changing the rules. Lastly, he stated that the AGC, is a union contractor, and made that decision after weighing the benefits and the costs of working union. However, the AGC made that decision, not the government.

Donald Marr, a partner at Marpac Construction, indicated that Marpac is a small, family-owned general contractor located in the central area of Seattle. He spoke in opposition to a project labor agreement. Most minority and women owned construction businesses are small, family owned, non-union businesses. Many of these firms hire a high percentage of minorities and women; nearly half of Marpac employees are women or minorities. He indicated that a PLA for this project would hurt minority and women businesses and workers. The community is still reeling from the effects of I-200, and he stated that a PLA could be a devastating blow. He asked Committee members to keep in mind Sound Transit's objectives to have workforce diversity and to maximize use of small disadvantaged businesses.

Marjorie Prince, and her husband Gary, urged the Committee to adopt the community language to the PLA. She stated that workers are part of the community and public money is being used to fund this project. She stated that it's not enough to guarantee local labor. People of color and women should be guaranteed a fair share of these construction jobs. She mentioned I-200 and stated that people who have been and are continuously locked out of the construction industry should have a chance to participate, by getting a fair share of the jobs and the training necessary to make those jobs possible.

Carla Olsen spoke in support of the 13 issues of the Fast Jobs Coalition. As a single mother of two kids, she indicated that she's been trying to get into an apprenticeship for the past two years, but because of some of the barriers (the license, child care, and some of the 13 issues that the Fast Jobs Coalition is concerned about), she was unable to. After working hard for a year and a half, she has finally obtained all the things she needed to apply for the electricians' apprenticeship program. She stated that if these 13 issues had been in effect two years ago, she would have been two years into her apprenticeship and already earning good wages and benefits for her and her children.

Minutes of February 19, March 19 and March 23, 1999 Executive Committee Meetings

It was moved by Mr. Earling, seconded by Mr. Nickels and carried by the unanimous vote of all members present that the minutes of February 19, March 19 and March 23, 1999 Executive Committee Meetings be approved as presented.

Resolution No. R99-12 - Authorizing the Executive Director to execute an agreement between Sound Transit and partner agencies Community Transit and Pierce Transit for operations and maintenance of Regional Express bus service

Ms. Agnes Govern, Director of Regional Express, presented background information on the proposed Resolution (copy on file).

Mr. Nickels noted that the Service Agreements call for a reimbursement rate to Pierce Transit and Community Transit at a level below the assumptions made in Sound Move. He cautioned staff and Board members that those savings have not yet been realized. There are a lot of variables (i.e., fuel and labor costs) that could drive those costs up.

It was moved by Mr. Earling, seconded by Mr. Nickels and carried by the unanimous vote of all members present that Resolution No. R99-12 be forwarded to the Board with a do pas recommendation.

Mr. Earling indicated that Community Transit was delighted with the negotiation process, and Mr. Miller echoed those statements on behalf of Pierce Transit.

Overlake Transit Center Status Report - Deferred

Policy Options for Sound Transit Regarding Project Labor Agreements

Mr. Alec Stephens, Diversity Program Manager, presented a discussion paper on the topic of a Project Labor Agreement (PLA) to the Committee (copy on file). He indicated that he was seeking comments, questions, issues to be resolved, or any concerns that Committee members may have. He identified three policy options for the Committee to react to:

1. Staff shall prepare for Executive Committee consideration and subsequent Board action a policy that project labor agreements shall be used on all construction (including design/build) contracts awarded directly by Sound Transit, where the minimum dollar value is estimated to be \$ _____ and other factors justify the conclusion that a project labor agreement will result in beneficial cost and project completion impacts.
2. Staff shall prepare for Executive Committee consideration and subsequent Board action a policy that project labor agreements shall not be used on any construction (including design/build) contracts awarded directly by Sound Transit.
3. Staff shall prepare for Executive Committee consideration and subsequent Board action a policy that project labor agreements shall be used on construction (including design/build) contracts awarded directly by Sound Transit for identified project(s) in line(s) of business: [Indicate in “Link Light Rail (corridor from Seattle to SeaTac and 1.6 mile Tacoma segment)”, “Central Link Light Rail (corridor from Seattle to SeaTac)”, “Sounder Commuter Rail”, “Regional Express”, or other choices (in combination)].

Ms. Sullivan indicated that Mr. Govanne's comments during public comment brought up an interesting possibility.

Mr. Stephens agreed that the Board could set the policy and instruct bidders to negotiate in good faith. He indicated that criteria could be identified; however, the amount of time available for a bidder or contractor to negotiate a contract would have to be taken into consideration.

Mr. Nickels stated that a PLA would help Sound Transit find labor and would help protect the agency from labor disagreements on the job. He indicated he was excited about the emergence of the FAST Jobs Coalition, saying that they have raised the types of issues that he'd like to see Sound Transit committed to.

Mr. Sims pointed out that both the Public Facilities District and the baseball stadium have PLA's in place. He said he'd like to see how they have structured their agreements. He also indicated that he'd like to see the issue of pre-apprenticeship programs for younger people addressed.

Mr. Drewel stated that he, too, would like to learn more about the apprenticeship aspect.

Mr. McIver indicated that he was supportive of the use of PLA's, and that he understood that non-union workers could, in fact, be used even with a PLA in place. He listed some concerns that would need to be addressed: double coverages; diversity and community representation; apprenticeships; and management training.

Mr. Miller requested further detail on implications of a PLA for non-union contractors and whether they can work under a PLA, as well as an analysis of the different approaches Sound Transit might take (i.e., whether ST actually negotiates the agreement or sets the structure for the contractors to negotiate).

Mr. Nickels indicated that a workshop on the topic might be valuable for Board members.

Executive Session

In the interest of time, Mr. Miller suggested that the Committee convene the executive session to discuss litigation, and then move on to the next agenda discussion item. He stated that the executive session would be expected to last 20 minutes.

The Committee convened an executive session 2:37 p.m., and reconvened its business meeting at 2:58 p.m.

Sounder Everett to Seattle Environmental Process

Mr. Paul Price presented a discussion paper on the Sounder environmental process for the Everett to Seattle segment (copy on file). Mr. Price explained that the Federal Transit Administration has requested additional review and analysis of the preliminary Draft Environmental Impact Statement. To minimize the schedule and budget impacts of this delay, staff has proceeded on a "parallel process" with the pre-permitting level environmental and engineering work on the project's two most obvious areas of potential environmental impact. Additionally, Mr. Price explained that all state and federal agencies involved in these issues, including affected tribes, have been invited to participate in these efforts.

Mr. Drewel and Mr. Earling both indicated their previous concern over this issue, and congratulated staff on a proactive attitude.

Next Meeting

Friday, May 7, 1999, from 1:30 - 3:00 p.m., at the Sound Transit 4th Floor Conference Room.

Adjourn

As there was no other business, the meeting was adjourned at 3:04 p.m.

Recorded by Amy Ebersole
Board Coordinator

Paul E. Miller
Board Chair

Marcia Walker
Board Administrator