

**Sound Transit
Board Meeting Summary Minutes
August 26, 1999**

Call to Order

Board Chair Paul Miller called the meeting to order at 2:40 p.m. in Hildebrand Hall of Plymouth Congregational Church, 1217 6th Avenue, Seattle, Washington.

Roll Call

Chair

(P) Paul Miller, City of Tacoma Councilmember

Vice Chairs

(P) Dave Earling, City of Edmonds Councilmember

(P) Greg Nickels, King County Councilmember

Board Members

(A) Ann Davis, City of Lakewood Councilmember

(A) Bob Drewel, Snohomish County Executive

(P) David Enslow, City of Sumner Councilmember

(A) Mary Gates, City of Federal Way Councilmember

(P) Jane Hague, King County Councilmember

(A) Ed Hansen, City of Everett Mayor

(P) Richard McIver, City of Seattle Councilmember

(P) Rob McKenna, King County Councilmember

(P) Sid Morrison, WSDOT Secretary

(P) Dave Russell, City of Kirkland Councilmember

(P) Paul Schell, City of Seattle Mayor

(A) Ron Sims, King County Executive

(A) Cynthia Sullivan, King County Councilmember

(P) Doug Sutherland, Pierce County Executive

(P) Jim White, City of Kent Mayor

Marcia Walker, Board Administrator, indicated a quorum of the Board was present at roll call.

The following Board member arrived after roll call:

Jane Hague, King County Councilmember

Public Comment

The following individuals presented comments to the Board (comments are on file with the Board Administrator):

Ms. Doris Wooten

Ms. Fabiola Woods

Ms. Linda Anderson

Mr. Paul Locke

Mr. Miller advised that the remaining public comments would be taken at the end of the meeting. He stated that there was a chance of losing a quorum, so the Board would move to the agenda's action items.

Report of the Chair

None.

Consent Agenda

Minutes of May 27, 1999 Meeting

The Board of the Central Puget Sound Regional Transit Authority does hereby approve the voucher certification for the period June 1 through June 30, 1999, totaling \$10,418,200.38

Resolution No. R99-27 - Authorizing the Executive Director to execute an agreement with King County and the City of Auburn for development of the Auburn Commuter Rail Station

Motion No. M99-50 - Authorizing the Executive Director to purchase all necessary furnishings, fixtures, equipment, computer and consultant services for space planning and tenant improvements and to implement the move for Sound Transit occupancy at Opus East, in an amount not to exceed \$6,039,118

Resolution No. R99-29 - Authorizing the Executive Director to acquire, dispose, or lease certain real property interests from The Burlington Northern and Santa Fe Railway Company (BNSF) by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the King Street, Tukwila, Kent, Auburn, Sumner, and Puyallup Commuter Rail Stations

Resolution No. R99-25 - Authorizing the Executive Director to acquire, dispose or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Tacoma Link Light Rail project

Resolution No. R99-30 - Authorizing the Executive Director to execute an agreement for operation and maintenance with King County Metro related to implementation of Regional Express bus service

Mr. Miller stated that action on Resolution No. R99-28, authorizing the Executive Director to execute a Memorandum of Agreement or intergovernmental cooperation with Pierce Transit related to the design and construction of the Tacoma Dome Station Phase II Project, would be held until the report of the Finance Committee.

It was moved by Mr. Nickels, seconded by Mr. White and carried by the unanimous vote of all Board members present that the Consent Agenda be approved as presented.

Action Items

Finance Committee Recommendations

Resolution No. R99-20 - Authorizing the Executive Director to execute an agreement with the City of Kent for design and potential development of a parking garage for the Kent Commuter Rail Station

It was moved by Mr. Nickels that Resolution No. R99-20 be approved as presented.

Mr. Nickels informed the Board that Resolution No. R99-20 would define the discussion and responsibilities between the City of Kent and Sound Transit to do work to identify sources and secure funds for a parking garage for the Kent commuter rail station. He stated that this action does not commit or obligate Sound Transit to construction funding beyond the budget. He stated that Sound Transit staff made it clear to the Finance Committee that the project does not include sufficient parking and Sound Transit has some responsibility to ensure there is an appropriate provision of parking. He noted that the Committee reviewed this action in detail and was recommending its approval.

The motion to approve Resolution No. R99-20 was seconded by Mr. White.

Mr. White advised that the City of Kent will be asking for funds in future budgets for the parking garage. He indicated that Sound Transit's commuter rail system would not work in Kent without adequate parking.

Mr. McIver questioned whether this was within the budgeted amount.

Mr. Miller answered that this was not within the budgeted amount set aside for the parking facility in Kent because the size of the garage is being expanded. He explained that the funding would be handled within the commuter rail budget for the South King County subarea.

The motion to approve Resolution No. R99-20 was carried by the unanimous vote of all Board members present.

Resolution No. R99-22 - Authorizing the Executive Director to execute two contracts with Burlington Northern and Santa Fe Railway (BNSF), each to be substantially in accordance with the basic terms for such agreements set forth in the Background and Comments attached hereto as Exhibit A. The first is a long-term contract that will provide for BNSF to operate Sounder commuter rail service between Seattle and Tacoma (Operating Agreement). The second is a contract that will specify agreed-upon capital improvements on and around BNSF's existing railroad right-of-way, and provide for BNSF to construct those improvements and for Sound Transit to contribute approximately \$200 million and other public authorities to contribute approximately \$70 million to the cost of such construction (Construction Agreement).

It was moved by Mr. Nickels and seconded by Mr. Earling that Resolution No. R99-22 be approved as presented.

Mr. Nickels stated that Resolution No. R99-22 would authorize two contracts with BNSF. The first would be a long-term contract providing BNSF as the operator of the Sounder service from Tacoma to Seattle. The second contract was for the construction of capital improvements by BNSF. He indicated that Sound Transit will contribute approximately \$200 million and other public authorities will contribute approximately \$70 million. He added that the contracts were very important and were strong indications that Sound Transit was on the right track with commuter rail.

Mr. David Beal, Sounder Program Manager, went over the features of the agreements and the risks. The operating agreement has a 40-year life during which time BNSF will operate Sound Transit's commuter rail trains. Sound Transit will pay BNSF approximately \$4.6 million a year for operating the service, including train crews and dispatching and maintenance of tracks and signals. He stated that the operating agreement allows for limited start-up service four months after signing of the agreement. The capital improvements expected to be included as part of the construction agreement should provide sufficient capacity to permit the operation of more than the 18 weekday commuter trips between Seattle and Tacoma.

Mr. McKenna asked if WSDOT couldn't come up with the funds to meet their obligation, would the \$60 million funding needed shift to Sound Transit.

Mr. Desmond Brown, Legal Counsel, answered that the funding obligation would not shift to Sound Transit. He explained that if the funding was not available from the WSDOT, there would be a renegotiation to see what improvements would be completed with the funds available.

Mr. McKenna asked if WSDOT would be a signatory on this agreement, if they had contractually committed to providing \$60 million, or if there would be a separate contract with WSDOT.

Mr. Beal answered that Sound Transit would have a separate agreement with WSDOT outlining how the funds would be delivered to Sound Transit.

Mr. Russell questioned whether there would be a delay in service if the contract had to be renegotiated with BNSF.

Mr. Miller responded that his understanding was that if the voters approve I-695, state funding for commuter rail will become non-existent and Sound Transit's ability to deliver capacity improvements will also cease to exist. Sound Transit would have to renegotiate and deliver something somewhat less than what was negotiated in the agreement.

Mr. Harvey added that many of the capacity improvements are more beneficial to the intercity and freight service providers. Sound Transit would enter a process with the railroad and the state to identify those particular elements that would be reduced by the passage of I-695. That process would take approximately six months to two years.

Mr. Morrison shared with the Board members that this agreement is probably a once in a century opportunity. The last agreement with the railroad was in 1916, between BNSF and Union Pacific. He noted the wisdom of the voters when the \$200 million was included in the Sound Transit proposal for improvements to heavy rail for purposes of commuter rail service. That funding, plus what the voters had approved and the legislature had appropriated for Sound Transit in the \$60 million over the next six years, seemed to be the leverage to get the railroads to talk both to each other and to Sound Transit. Before they were through, they ended up contributing to this total of \$320 million worth of improvements. This agreement is dramatic not just for making commuter rail work, but it is essential in being sure that by 2050 we have more freight rail capacity than we currently have from Everett through Tacoma.

Mr. Enslow expressed his pleasure with the agreement and complimented staff on the work they had accomplished.

Mr. Nickels informed the Board that the Resolution was reviewed in detail by the FC, and the FC recommends its approval. He emphasized that this is the most important piece of the commuter rail system and added his compliments to staff on a tremendous job in bringing this action to the Board.

The motion to approve Resolution No. R99-22 was carried by the unanimous vote of all Board members present.

Resolution No. R99-23 - Authorizing the Executive Director to execute Amendment No. 1 of the Sound Transit (ST)/Burlington Northern and Santa Fe Railway (BNSF) Final Engineering Agreement for long lead capital items needed for the Seattle-to-Tacoma commuter rail project (Sounder), with a total contract addition of \$17,043,311, which is a component of the Capital Improvement package of the BNSF/ST Operating Agreement

It was moved by Mr. Nickels and seconded by Mr. Sutherland that Resolution No. R99-23 be approved as presented.

Mr. Beal advised the Board that the Resolution No. R99-23 was an amendment to an agreement for final engineering by BNSF which was approved in November 1998. He stated that this agreement would make available \$17,043,311 for procurement of the railroad equipment with long lead times. The equipment would include switches and signals to allow passengers and freight trains to pass each other.

The motion to approve Resolution No. R99-23 was carried by the unanimous vote of all Board members present.

Resolution No. R99-28 - Authorizing the Executive Director to execute a Memorandum of Agreement for intergovernmental cooperation with Pierce Transit related to the design and construction of the Tacoma Dome Station Phase II Project

It was moved by Mr. Nickels and seconded by Mr. White that Resolution No. R99-28 be approved.

Mr. Nickels advised the Board that Resolution No. R99-28 was removed from the Consent Agenda to correct an error in the background information. The total dollar amount was shown in 1998 dollars. The FC has asked that the reference to "1998 dollars" be stricken.

It was moved by Mr. Nickels, seconded by Mr. White, and carried by the unanimous vote of all Board members present that the reference to "1998 dollars" be stricken from the background information for Resolution No. R99-28.

The motion to approve Resolution No. R99-28, as amended, was carried by the unanimous vote of all Board members present.

Executive Committee Recommendations

Resolution No. R99-26 - Authorizing the Executive Director to acquire, dispose or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for "protective acquisition" during pending environmental review of the Central Link Light Rail project

It was moved by Mr. Nickels and seconded by Mr. Sutherland that Resolution No. R99-26 be approved as presented.

The motion to approve Resolution No. R99-26 was carried by the unanimous vote of all Board members present.

Public Comment (continued)

Public Comment continued from earlier in the meeting with the following individuals presenting comments to the Board (comments are on file with the Board Administrator):

Ms. Angela Ford
Mr. George Curtis

(Ms. Hague arrived at this time.)

Ms. Patricia Paschal
Mr. Mark Capestany, Save Our Valley President
Mr. Erik Griswold
Ms. Mariana Quarnstrom
Mr. Peter Whitehead
Mr. Joe Nguzen
Mr. Lin Tuong
Mr. Phillip Grega
Mr. Michael Richmond

Committee Reports

Finance Committee
Public and Government Affairs Committee
Executive Committee

None.

Other Business

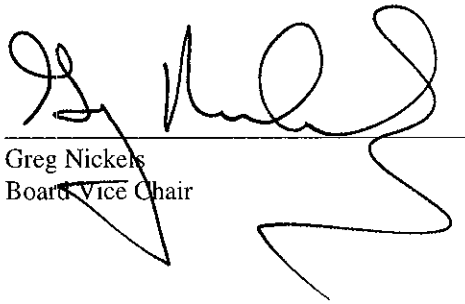
None.

Next Meeting

Thursday, September 9, 1999
1:00 to 4:30 p.m.
Tacoma Public Library - Olympic Room
1102 Tacoma Avenue South
Tacoma, Washington 98402


Adjourn

The meeting was adjourned at 4:05 p.m.



Greg Nickels
Board Vice Chair

ATTEST:



Marcia Walker
Board Administrator