

**Sound Transit
Executive Committee Summary Minutes**

November 5, 1999

Call to Order

Chair Paul Miller called the meeting to order at 1:33 p.m. The meeting was held in the Sound Transit Boardroom of Union Station at 401 South Jackson Street, Seattle, Washington.

Attendance

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

Board members Ann Kirk Davis and Rob McKenna were also in attendance.

Report of the Chair

Mr. Miller noted that the Committee would be working from a revised agenda. The agenda had been revised to include Motion No. M99-80, which would authorize the Executive Director to execute and implement a project labor agreement for light rail and commuter rail construction projects.

Executive Director Report

Mr. White reported that this week marks the 3rd anniversary since the successful vote that established Sound Transit. He added that he would feel more celebratory if the other transit agencies in the region weren't under the pressure that they are at this point, as the challenge of delivering public transportation services to the region has gotten more difficult in the last week with the passage of I-695.

Mr. White indicated a representative of the University Laundry at McLennan St. in the Rainier Valley testified at the Board's last meeting. Since that time, Sound Transit, the City of Seattle and King County Metro have worked with the community in that area and developed a refined and more acceptable solution to providing passenger access to the light rail station at that point. Mr. White added that, as Sound Transit is approaching 30% design, there is still 70% of the way to go in the design of this facility and there will be a substantial amount of opportunities in that process to continue to address the specific issues that are raised by the community, recognizing that as each change is made to the proposal, staff will need to both consult with the Board and complete any refinements to the environmental or procedural processes.

Public Comment

Mr. Frank Metheny, UW Consolidated Laundry, expressed his appreciation for the efforts that the Sound Transit, Metro, and City of Seattle staff put into developing plans for the alternate location of bus staging and drop-off for McLellan St. station.

Mr. Stephen Lundgren, Co-president of the Seattle Community Council and President of the Ballard District Council urged Sound Transit not to prematurely foreclose a full and accurate consideration of

expanding commuter rail service through North Seattle and the Bell Street, Ballard and Richmond Beach stations.

Ms. Marie Tyvall, representing the Ballard Rail Citizen Board, a group of residents in the Sunset Hill community, stated that the Citizen Board agrees with Sound Transit in that additional design, research, and engineering work would need to be done to fully understand the impact of either of the proposed commuter rail locations in Ballard. The Citizen Board supports Sound Transit's decision not to pick a preferred location at this time in Ballard.

Mr. Frederick Simmons, member of the Fast Jobs Coalitions, stated his understanding that the preamble and signatory pages of the project labor agreement (PLA) would not include the Fast Jobs Coalition. He indicated that Fast Jobs has consistently stated that a key provision in this agreement was to be named and to be able to sign on behalf of its constituent communities. He stated that formal recognition and signatory authority are key provisions for the following reasons:

- ◆ Recognizes and respects all parties in the development of the PLA, including the Fast Jobs Coalition
- ◆ Acknowledges the role and work of the Fast Jobs Coalition to help labor win Board approval for the adoption of a PLA
- ◆ Demonstrates to other community groups that support for and use of PLAs can be useful tools for addressing jobs and training access.

He stated that the Fast Jobs Coalition intends to ask publicly for labor to state its reason why the Coalition should not have the right to this recognition and respect. He stated that the Board's interest and support would be appreciated.

Mr. Michael Woo, Fast Jobs Coalition, stated that notwithstanding Mr. Simmons' comments, he wanted to give the Board some feedback on his participation as one of the negotiators representing diverse low-income communities and women at the negotiation table. It was an historic opportunity for communities that traditionally don't have voice for those kind of pre-hire agreements. He stated that the relationships that were developed with the partners at the table were respectful and helped lay the groundwork for to enable the parties to complete the body of work. He stated that the Coalition looks forward to the Board's continued support. Additionally, he asked the Committee to consider how the Fast Jobs Coalitions could be allowed to also be a signatory on the agreement.

Mr. Martin Durkin Jr., thanked Councilmember Nickels, Councilmember Russell, and Executive Sutherland for attending last night's public hearing in Tukwila, stating that somewhere between 250 and 300 people attended and provided about four hours of testimony. And both members sat through that and persevered and it wasn't a fun process. He asked all Board members to review the testimony, including that of Senator Prentice and Senator Patterson. They stated that they could not support any funding from Olympia if the alignment on Highway 99 is chosen. He passed out resolutions from the Cities of Kent, Renton, Maple Valley, Covington, Algona, Des Moines, and Normandy Park, and from the Southwest King County Chamber of Commerce representing Burien, SeaTac and Tukwila, as well as letters of support from Burien and SeaTac, stating that the resolutions are in support of the City of Tukwila's position in regards to the Highway 99 alignment and the preference that the route serve the urban center.

Mr. Schell urged Mr. Durkin and the City of Tukwila to work with the Board in a constructive manner to try to resolve the issue of the alignment in Tukwila.

Mr. Miller stated that the Board was considering two alignments in the Tukwila corridor and there was a clear distinction between the two, most notably in the cost associated with construction. Tukwila has

responded to Sound Transit's request to provide another alignment that would be more acceptable to the City, by identifying another potential alignment which is being termed the E4 alignment. Mr. Miller pointed out that the E4 alignment is not the City's preferred choice, but it is one that Tukwila believes is preferable to the Highway 99 alignment.

Mr. Miller continued to say that on November 18, the Board will be charged with adopting a resolution selecting an alignment for the entire corridor that can be transmitted to the Federal Transit Administration (FTA). That transmittal is exceedingly important because it is a necessary step before Sound Transit can receive its Record of Decision, which is a crucial step in the process to obtain federal funding. If that process is delayed, the project runs the risk of not being in line for a Full Funding Grant Agreement during the upcoming year. The City of Tukwila has asked Sound Transit to forego selecting an alignment in the Tukwila corridor on November 18 and to study the E4 alignment instead. However, the Board can not select E4 at this time as it was not evaluated in the Environmental Impact Statement and therefore would not qualify under FTA's rules for the Record of Decision. The City would prefer that the Board select an alignment only for the minimum operating segment; it is ST's belief that that would put the project at a severe disadvantage and may jeopardize Sound Transit's ability to receive a Record of Decision from the FTA. If the alignment is not selected, Sound Transit would be required to complete the environmental analysis on the E4 alignment before the Record of Decision. This could delay Sound Transit's ability to access federal funds and could delay the entire project. The project is currently in the process of being ranked by the federal government relative to other projects across the country. The information used to base their ranking is the New Starts Report, which has already been submitted. It is based on the full project. Deciding to go with a minimum operating segment likely would require a reevaluation, and Record of Decision sets the stage for subsequent approvals that are needed for the project such as final design authorization and property acquisition. If the Record of Decision covers only the minimum operating segment, then the project will not be able to proceed into final design and property acquisition for the rest of the project.

Mr. Miller stated that on November 18 it is the intent of the Board to bring forward an alignment decision, which will include the selection of an alignment for segment E through Tukwila. That alignment will be one of the alternatives that has been evaluated in the final EIS. However, he stated that that the Board is fully committed to working closely with Tukwila in evaluating the new E4 alignment option over the next few months, including doing additional engineering, financial and environmental studies. After the analysis is completed, if the E4 option seems promising, the Board would have the opportunity to consider substituting it for the alignment that was selected on November 18. Sound Transit would then work with FTA to revise the Record of Decision and other approvals. The Board is prepared to entertain a separate motion on November 18 following the adoption of the preferred alignment, setting forth formally this understanding. Mr. Miller stated that he believes this approach is the best solution, which allows Sound Transit to fully evaluate Tukwila's new option while at the same time committing to an alignment to preserve and maximize the agency's ability to secure federal funds.

Finally, Mr. Miller stated that the Board understands that just as the Board is going to be obligated under FTA rules to meet timelines that require an adoption of the E alignment through Tukwila, Tukwila will likewise be obligated under timelines to pursue legal avenues in questioning that decision. The discussion with the mayor and the council acknowledged that both the Board and the City have those obligations, and that each can pursue those avenues while at the same time working very closely together in a cooperative manner to evaluate the E4. He stressed that in making this commitment, the Board is trying to be responsive to the concerns of the community, while at the same time acknowledging the obligation to deliver a regional system. The Board is fully committed to pursuing this new option and finding out whether it makes sense. It will be up to both parties to do that analysis and to reach a decision that will be mutually acceptable.

Mr. Nickels thanked Mr. Miller and the other members who met with the City of Tukwila. He reported briefly on the public hearing the night before at the Tukwila Community Center. He stated that 175 or so people signed up to speak: of those, one person, a City Councilmember from SeaTac, spoke in favor of the SeaTac alignment. One person from the Rainier Valley spoke in favor of the Highway 99 alignment; two people spoke in favor of a monorail alternative; and 171 from Tukwila spoke against the Highway 99 alignment. He stated that there is a very strong sentiment with regard to the Highway 99 alignment and that he appreciated Mr. Miller's initiative in looking at viable alternatives.

Mr. Schell indicated that he would support any way to come up with an alignment that makes sense and that builds consensus in the community.

Mr. Sims asked how many months it would take to do the engineering and analysis for the E4 option.

Executive Director White responded that if Sound Transit pursues a full supplemental EIS process, he believed it would take six months.

Mr. Sims asked to see the language for the supplemental motion to be introduced and acted on November 18 to do the work in Tukwila.

Executive Director White said he would provide that language.

Mr. Earling expressed his hope that Mr. Durkin would report to the elected officials of Tukwila that the Board appreciates the fact that they worked hard on identifying a new alternative, and that he would take to them a sense of the commitment that had been expressed.

Motion No. M99-79 - Identifying a preferred alternative and corridor improvements for the Everett to Seattle commuter rail project

Mr. Barry Hennelly, Commuter Rail Project Manager, presented background information to the Committee (copy on file).

Mr. Nickels asked about the status of a Ballard station now and in the future. Even though a preferred alternative will not be chosen now in Ballard, he asked what can be done to bring the project along.

Mr. Hennelly responded that staff is working with the City. The Ballard District Council is in the process of developing a station concept. He stated that he would like to work with City staff to see if a \$2 million grant they've received could be used to do some advanced engineering to 30% design.

Mr. Nickels suggested that Mr. Hennelly might come back to the Committee in January/February 2000 to continue the discussion of how this project can continue to move forward in a deliberative and low-cost manner.

Mr. Earling stated that there is not intent to use all the funds in the Edmonds station budget in developing a temporary facility in Edmonds. Additionally, he stated he congratulated staff for how the environmental issues facing the project were dealt with.

It was moved by Mr. Sims, seconded by Mr. Earling and carried by the unanimous vote of all members present that Motion No. M99-79 be forwarded to the Board with a do-pass recommendation.

Mr. Miller pointed out that the Committee had three items remaining on the agenda. He asked Executive

Director White to say a few words about the item on the Mercer Island/I-90 project, stating that the Committee would ask for the item to come back at a future meeting to ensure enough time for the remaining two items.

Executive Director White directed members to the discussion paper on the I-90 transit alternatives (copy on file). He indicated that the steering committee for that project is scheduled to make a recommendation in November. Because of some requests for additional data, he stated that the group may defer the decision until January; however, some of the jurisdictions on that committee will probably be taking action as well, so staff wanted to keep the Board informed.

Motion No. M99-80 - Authorizing the Executive Director to execute and implement a project labor agreement for light rail and commuter rail construction projects

Mr. Desmond Brown, Chief Legal Counsel, provided background information on the proposed motion (copy on file). Resolution 99-21, passed in July, authorized the negotiation of a Project Labor Agreement and established objectives to achieve in negotiating that agreement. Mr. Brown referred members to pages 2 and 3 in the background materials, which summarize the negotiations (copy on file). In summary, approximately \$9.5 million in savings has been achieved through work standardization rules. With the help of the Fast Jobs Coalition, extraordinary efforts with respect to community-based apprenticeship and pre-apprenticeship programs are going to be funded through the project, including a provision that requires looking to the community for job referrals before looking outside of the region in search of additional workers. The agreement includes a 20% apprenticeship goal; no strike clauses; and the option to seek injunctive relief for actual damages if desired in the event of an unauthorized strike. Additionally, there are non-discriminatory provisions for hiring halls to protect the open shop employees and no layoffs should occur as a result of the implementation of the project labor agreement as to the persons who work for open shop contractors, so they won't be displaced from their positions and laid off as a result of the project labor agreement.

Mr. Brown stated that there were two issues that were the most troubling: double benefits and core employees. Although double benefits could not be eliminated because of legal issues, Mr. Brown indicated that the issue was resolved by agreeing that if an open shop contractor has an existing benefits program in place and is paying benefits, those will not be counted against them if they submit a bid. Regarding the core employees issue, although the parties agreed to the total number of core employees that could be used in the project, there was a disagreement as to the order in which those employees could be hired. Finally, a decision had to be made: the result was there would be 5 union and 5 open shop employees per craft. Additionally, the agreement established a labor/management committee that consists of the community groups, Sound Transit, the contractors and labor unions to oversee the implementation and enforcement of the agreement.

In conclusion, Mr. Brown stated that the Fast Jobs Coalition was a very productive and valuable member of these negotiations. He stated that he became aware of the issue about signing the agreement a couple of days ago. He stated that Sound Transit's position has been fully supportive of the community groups signing the agreements if that's legally possible, and that staff will continue working through the issue.

It was moved by Mr. McIver, seconded by Mr. Earling and carried by the unanimous vote of all members present that Motion No. M99-80 be forwarded to the Board with a do-pass recommendation.

Central Link Locally Preferred Alternative

Mr. Miller explained that this agenda item was a placeholder for a discussion on a couple of items related

to the upcoming alignment decision. One item, the alignment through Tukwila, had been dealt with during public comment. The second item was a request to discuss the policy implications of the original staff decision regarding declaration of the downtown tunnel as a regional facility. That brought with it a distribution of costs related to the debt service on the tunnel between the North King and South King subareas. Mr. Miller indicated that a number of Board members have raised concerns about the implications of that decision on subarea equity and a request for the Executive Committee to have a discussion related to that item.

Ms. Gates stated that she had asked staff to analyze the implications of designating the Boeing Access station as a responsibility of the South King County subarea and the downtown transit as a responsibility of the North King County subarea. She indicated that that would free up about \$6 million in Phase I for the North King County subarea. She stated that such an action would help clarify what is regional and what isn't.

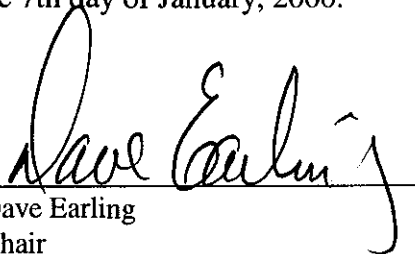
Mr. Miller added that members of the South King County subarea, in discussions with him, have urged the Board to decide that the transit tunnel is not a regional facility. Shifting Boeing Access to South King would help mitigate the impacts of that decision. He agreed with Ms. Gates that within Phase I, the tunnel access charges for South King are about \$5 million. The cost associated with just the station at Boeing Access is about 11.3, so it does create a net savings in terms of expenditures for North King in Phase I of approximately \$6 million. Over the life of the bonds, including the cost of the deferred park and ride at Boeing access, the differential shifts the other direction of about \$6 to \$7 million to South King County beyond Phase I. He indicated that such a shift would fall more in line with Sound Move.

Mr. Miller stated that he had asked staff to analyze the implications for Phase I as well as for long-term bonding, so that the Board can have that information before the November 18 decision.

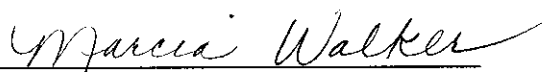
Adjourn

As there was no other business, the meeting was adjourned at 3:10.

Minutes approved by the Executive Committee on the 7th day of January, 2000.


Dave Earling
Chair

ATTEST:


Marcia Walker
Board Administrator