

STAFF REPORT

SOUND TRANSIT MOTION NO. M2000-104

Petition to Intervene with Washington State Utilities and Transportation Commission in Burlington Northern and Santa Fe Railway's Request to Increase Passenger and Freight Train Speeds through City of Puyallup

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Board of Directors	10/12/00	Action	Paul Price, Director Commuter Rail	(206) 398-5111

PROPOSED ACTION

Approval is requested for Sound Transit to file a Petition to Intervene in the described action as required by Resolution No. R99-16. The proposed action would authorize Sound Transit to file a petition to intervene in support of BNSF in the action filed by the City of Puyallup with the Washington State Utilities and Transportation Commission (WUTC) for an adjudicative hearing before an Administrative Law Judge objecting to a Burlington Northern Santa and Fe Railway (BNSF) request to increase passenger and freight train speeds on the BNSF railroad from the Seattle city limits to Tacoma city limits. The WUTC issued a Notice of a Pre-hearing Conference on October 19, 2000.

KEY FEATURES

Highlights of Proposed Action:

- ◆ Approves filing of Petition to Intervene in support of BNSF's application to increase passenger and freight train speeds on the BNSF railroad from the Seattle city limits to Tacoma city limits.
- ◆ Establishes Sound Transit's support of BNSF's request for the passenger and freight train speed improvements through City of Puyallup as a capacity improvement necessary to the ultimate operation of 18 commuter trains per day between Lakewood and Seattle.
- ◆ Reaffirms the commitment of Sound Transit and its rail partners to implementing highway-rail grade crossing safety improvements on BNSF tracks and crossings throughout the Tacoma to Seattle corridor, including nine grade crossing improvements within Puyallup.

Discussion of Proposed Action:

The Sounder Commuter Rail program will implement the 81-mile rail corridor in three phases - Tacoma-to-Seattle, Everett-to-Seattle, and Tacoma-to-Lakewood segments. In order to provide safe and efficient commuter train service on the Tacoma-to-Seattle corridor, it is critical that BNSF increase train capacity on the main line tracks. To increase train capacity, it is necessary

to increase passenger and freight train speed limits along the corridor including within the City of Puyallup.

The City of Puyallup has filed an application with the WUTC for an adjudicative hearing before an Administrative Law Judge objecting to a BNSF request to increase passenger and freight train speeds on the BNSF railroad from the Seattle city limits to Tacoma city limits. A reduction in freight speeds and coincident decrease in overall rail capacity in the Lakewood-to-Seattle corridor would compromise provision of effective commuter rail service.

Resolution No. R99-16 provides that legal action taken by Sound Transit against a governmental entity requires Board of Directors approval. As evidence of support of BNSF's petition to increase train speeds in the City of Puyallup, and in compliance with Resolution No. R99-16 approval is requested for Sound Transit to file a Petition to Intervene in support of BNSF on the application of the City of Puyallup with the WUTC objecting to BNSF's request to increase passenger and freight train speeds. If the WUTC grants Sound Transit's Petition to Intervene, Sound Transit will become a party in the proceeding, with all the rights and obligations of a party, such as participation in discovering and presenting evidence. Sound Transit will be bound by any orders issued by the WUTC, and Sound Transit will be responsible for its own expenses. Sound Transit would also take the opportunity to reaffirm the agency's and its rail partners' commitment to installing highway-rail grade crossing safety improvements on BNSF tracks and crossings throughout the Tacoma to Seattle corridor, including nine grade crossing improvements within Puyallup.

It should be noted that in response to the same BNSF petition, the WUTC approved passenger and freight train speed increases through the cities of Auburn, Kent and Sumner earlier this summer.

BUDGET

This action has no measurable budget impacts.

ALTERNATIVES

Filing the Petition to Intervene would constitute a formal and direct expression of Sound Transit's support of BNSF's request to increase train speeds. Should the Board decide not to approve filing a Petition to Intervene, Sound Transit could provide some level of informal support to BNSF in its request to the WUTC.

CONSEQUENCES OF DELAY

The WUTC has issued a "Notice of a Pre-hearing Conference" on October 19, 2000 regarding the City of Puyallup's request for an adjudicative hearing. Petitions to Intervene by all interested parties must be submitted at least five (5) days prior to the October 19, 2000 hearing.

REGIONAL PARTNERSHIP AND COOPERATION

Sound Transit, BNSF, Union Pacific Railroad, the Ports of Seattle and Tacoma, Amtrak and the Washington State Department of Transportation (WSDOT) have collaborated on a plan to increase capacity along the Tacoma to Seattle rail corridor. This increased capacity will facilitate Sound Transit's Sounder Commuter Rail service, Amtrak Cascades passenger rail service, and provide greater access and mobility for freight and goods in the Puget Sound.

To accommodate the capacity increases, Sound Transit, BNSF, Union Pacific Railroad, the Ports of Seattle and Tacoma, Amtrak, and WSDOT have agreed to invest over \$320 million in capital improvements along the Tacoma to Seattle rail corridor, including at least \$1.6 million at nine crossings in the City of Puyallup. These improvements will be completed before the speed increases are implemented.

PUBLIC INVOLVEMENT

Sound Transit participated in the following public meetings related to increasing passenger and freight train speeds:

- Puyallup City Council meetings: 6/7/99 and 10/18/99
- Puyallup School District meeting: 9/27/99
- WUTC Open Public meeting: 8/30/99

LEGAL REVIEW

MBL 10/9/00

SOUND TRANSIT

MOTION NO. M2000-104

A MOTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the filing of a Petition to Intervene with the Washington State Utilities and Transportation Commission in the application of the City of Puyallup objecting to Burlington Northern and Santa Fe Railway's request to increase passenger and freight train speeds from the Seattle city limits to Tacoma city limits.

Background:

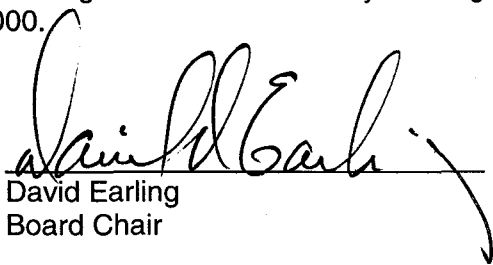
The Sounder Commuter Rail Program will implement the 81-mile rail corridor in three phases - Tacoma-to-Seattle, Everett-to-Seattle and Tacoma-to-Lakewood segments. In order to provide safe and efficient commuter train service on the Tacoma-to-Seattle corridor, it is critical that the BNSF increase train capacity on the main line tracks. To increase train capacity, it is necessary to increase passenger and freight train speed limits along the corridor including within the City of Puyallup.

The City of Puyallup has filed an application with the Washington State Utilities and Transportation Commission (WUTC) for an adjudicative hearing before an Administrative Law Judge objecting to a Burlington Northern Santa Fe Railway (BNSF) request to increase passenger and freight train speeds on the BNSF railroad from the Seattle city limits to Tacoma city limits. A reduction in rail speeds and coincident decrease in overall rail capacity in the Lakewood-to-Seattle corridor would compromise provision of effective commuter rail service.

Motion:

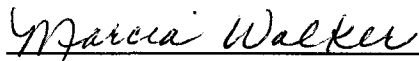
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Petition to Intervene is authorized to be filed and maintained with the Washington State Utilities and Transportation Commission in support BNSF's request to increase passenger and freight train speeds on its railroad from Seattle city limits to Tacoma city limits as related to the application of the City of Puyallup objection to the aforementioned request of BNSF to increase train speeds.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 12th day of October, 2000.



David Earling
Board Chair

ATTEST:



Marcia Walker
Board Administrator