

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2001-87

**Expressing Sound Transit's intent to grant its consent to operate Monorail services
within Sound Transit's District, subject to conditions**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee Board	9/7/01 9/13/01	Discussion/Possible Action to Recommend Board Approval Action	Paul Matsuoka, Director, Office of Policy and Planning	(206) 398-5070

OBJECTIVE OF ACTION

To respond to the Seattle City Council Resolution requesting that Sound Transit grant "consent to operate" monorail transit services within the Sound Transit District.

ACTION

King County (County) is a home rule charter county with broad powers to provide and operate public transit within the County. Pursuant to Chapter 81.112RCW, Sound Transit has and is authorized to exercise all rights to operate high capacity transportation (HCT) in urbanized King, Snohomish, and Pierce Counties comprising the Sound Transit District. In order to expand and operate a monorail transit system within the City of Seattle (City), state law requires the consent of both the County and Sound Transit to operate such services within their respective transit districts.

In November 2000, Seattle voters approved Initiative 53, which reestablished the Elevated Transportation Company (ETC) and charged it with developing a plan to build an elevated system of transportation serving Seattle neighborhoods. The initial plan is due for completion and scheduled for voter approval in November 2002. Pursuant to Initiative 53, the City of Seattle has adopted Resolution No. 30338 requesting that the County and Sound Transit *"take action to provide any consent that may be necessary or take other steps as may be required, for the City of Seattle or a future Seattle Popular Transit Authority (SPTA) to pursue constructing and/or operating a monorail transit system..."*.

KEY FEATURES

- ◆ This Motion would indicate Sound Transit's intent to grant consent to operate, conditioned on:
 - Completion of an EIS on possible monorail routes.
 - Decision by the Elevated Transportation Company (ETC) on a final route to be placed before the Seattle voters for approval.
 - Determination by Sound Transit that the final route is not parallel competitive service with Sound Transit's HCT services.
 - Approval of the monorail route and financing by a ballot measure by Seattle voters.
 - Formation of a Seattle Popular Transit Authority (SPTA).
 - Request by the SPTA for Sound Transit's consent to operate a monorail transit system.

HISTORY

There have been at least two events that have strained the relationship between advocates of the monorail and advocates of light rail. During the Joint Regional Policy Committee (JRPC) planning period, the JRPC chose light rail technology as a preferred technology over monorail. In more recent times, a Research and Technology grant proposal for the monorail was not approved by the Sound Transit Board. This history has made some monorail proponents question whether Sound Transit would ever grant its consent for the monorail to operate within the Sound Transit District should a monorail plan be approved by the voters (election anticipated in fall 2002). The City, pursuant to the monorail initiative, has requested an early indication from Sound Transit about its intent on this issue.

BUDGET

This action has no effect on the Sound Move budget.

CONSEQUENCES OF DELAY

Should the Sound Transit Board not act expeditiously to indicate its policy intent, some monorail proponents have suggested that Legislative remedy could be sought in the 2002 session.

REGIONAL PARTNERSHIP AND COOPERATION

Sound Transit staff has discussed this Motion and developed its policy content in cooperation with ETC, City, and County staff.

PUBLIC INVOLVEMENT

Monorail efforts have received voter approvals through two initiatives in the City of Seattle. The proposal for action comes at the request of the City of Seattle, pursuant to the initiatives.

DESCRIPTION OF POLICY

To make most efficient use of public funds, the Legislature grants the authority to operate transit services within transit districts. Within King County, the county has such authority. In order to create a high capacity transit provider, the Legislature granted that authority with passage of Sound Transit's enabling legislation, Chapter 81.112RCW. In RCW 81.112.030(5), the Legislature mandates regional transit authorities "review local transit agencies' plans to ensure feeder service/high capacity transit service integration and ensure avoidance of parallel competitive services." This mandate seeks to avoid a situation whereby multiple publicly-funded agencies compete against each other for the same riders. Any new transit provider, the monorail in this case, must also avoid operating parallel and competitive service. To ensure this, state law requires that the new provider obtain a "consent to operate" from existing transit agencies.

FACTORS TO CONSIDER

The original monorail proposal (Initiative 41) involved two routes that came together at a common point in downtown Seattle. One route traveled from NE Seattle to downtown to Rainier Valley, while the other went from Ballard to downtown, to West Seattle. Later, Initiative 53 called for a system "...linking neighborhoods in Northeast, Northwest, South and/or West

Seattle with downtown.” The current ETC Council, at this preliminary stage, has elected to focus its attention on the corridor from West Seattle to downtown to Ballard, as a first phase. This is in part because it would complement and not compete with Sound Transit’s Central Link alignment.

ALTERNATIVES

1. Indicate Sound Transit's intent to grant consent based on specific conditions (the proposed action).
2. Grant consent to operate now, without conditions.
3. Take no action now but wait until requested by the SPTA.
4. Refuse to grant consent.

RECOMMENDATION(S)

Sound Transit has certain state-mandated obligations that it must weigh to ensure that taxpayers' dollars are not wasted by having two public agencies operate parallel and competitive services. While the ETC Council has identified the West Seattle/Ballard route as its preferred alternative, it has not yet completed an EIS on the route, and until it does so, cannot adopt a final monorail route. Sound Transit's consent to operate is also unnecessary until and unless the voters approve the route and an SPTA is created which is formally vested with the authority to construct and operate the monorail. Such an entity does not now exist, and until it exists, Sound Transit is unable to grant its consent to an unknown entity.

These facts notwithstanding, the City would like to know Sound Transit's intent earlier rather than later, and they desire to eliminate barriers well in advance of the monorail ballot measure. While it may be argued that it is too early to grant consent to operate, staff believes it is valuable to all interests for the Sound Transit Board to express its intent to grant consent to operate subject to certain conditions being met. Given that the ETC has preliminarily identified a West Seattle - downtown Seattle - Ballard route as its preferred route and assuming that this route continues to be the preferred route, Sound Transit staff would recommend a finding that this route is complementary to, not competitive with, the HCT services being offered in Sound Move. Presuming that all the conditions noted above (EIS, final route determination, election, formation of the SPTA) will be satisfied at some point in the future, Sound Transit staff recommends that the Sound Transit Board signal its intent to grant permission to operate within its service territory, subject to the above conditions being satisfied.

LEGAL REVIEW

MLB 8/13/01

SOUND TRANSIT

MOTION NO. M2001-87

A motion of the Board of the Central Puget Sound Regional Transit Authority expressing its intent to grant consent for the operation of monorail transit services within the Sound Transit District, subject to certain conditions.

Background:

In November 2000, Seattle voters approved Initiative 53, which reestablished the Elevated Transportation Company (ETC) and charged it with developing a plan to build an elevated system of transportation serving Seattle neighborhoods. The initial plan is due for completion and scheduled for voter approval in November 2002. Pursuant to Initiative 53, the City of Seattle has adopted Resolution No. 30338 requesting that the County and Sound Transit "take action to provide any consent that may be necessary or take other steps as may be required, for the City of Seattle or a future Seattle Popular Transit Authority (SPTA) to pursue constructing and/or operating a monorail transit system...".

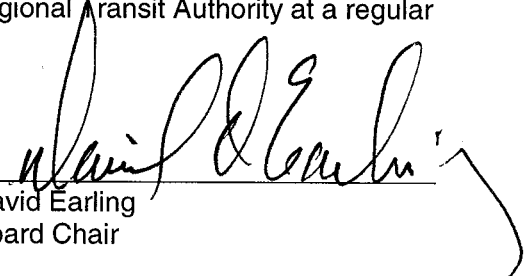
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Motion:

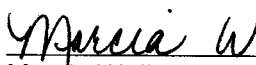
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Board expresses its intent to grant consent for the operation of monorail transit services within the Sound Transit District, subject to the following conditions:

1. Completion of an EIS on possible monorail routes.
2. Decision by the Elevated Transportation Company (ETC) on a final route to be placed before the Seattle voters for approval.
3. Determination by Sound Transit that the final route is not parallel and competitive service with ST's HCT services.
4. Ballot measures approval by Seattle voters of the monorail route and financing.
5. Formation of a Seattle Popular Transit Authority (SPTA).
6. Request by the SPTA for ST's consent to operate the monorail system.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 13th day of September, 2001.


David Earling
Board Chair

ATTEST:


Marcia Walker
Board Administrator