

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2007-99

Amendment to Seattle-Everett Joint Use Agreement and North Service Agreement

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Board	9/13/07	Action	Agnes Govern, Director Martin Young, Commuter Rail Operations Manager	(206) 398-5037 (206) 398-5115

Contract/Agreement Type:	<input checked="" type="checkbox"/>	Requested Action:	<input checked="" type="checkbox"/>
Competitive Procurement		Execute New Contract/Agreement	
Sole Source	<input checked="" type="checkbox"/>	Amend Existing Contract/Agreement	<input checked="" type="checkbox"/>
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate		Property Acquisition	

PROJECT NAME

Sounder Commuter Rail Everett to Seattle Transit Operations

PROPOSED ACTION

Authorizes the chief executive officer to execute amendments to the BNSF Railway Company Joint Use Agreement and Sounder commuter rail North Service Agreement for the Everett-Seattle corridor to permit a third round trip on September 24, 2007 and a fourth round trip on August 18, 2008.

KEY FEATURES of PROPOSED ACTION

- These amendments allow Sound Transit to operate a third round trip in the Everett-Seattle corridor ahead of the current schedule outlined in the agreements.
- This action provides an agreed-upon date for the start of the fourth round trip.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

The proposed action would amend the BNSF Service Agreement to provide Sound Transit the right to operate a third round trip in the Seattle-Everett Corridor. This contract is funded in the Sounder Transit Operations budget in the purchased transportation category. For 2007, the total budget for Sounder-purchased transportation is \$7,296,104. Through August, a total of approximately \$4,150,000 had been spent for purchased transportation. At the current service levels and rates, a total of approximately \$6,250,000 is committed for the year.

The proposed amendment to the service agreement would mean that trip number three between Seattle and Everett would be priced at \$26.50 per train mile. Based on five days a week service of one additional round trip of nearly 34.5 miles each way, the additional cost associated with this amendment is approximately \$130,000 (69 remaining weekdays x two trips per day x 34.5 miles per trip).

Concurrent with this action is a corresponding contract amendment for additional service on the Seattle-Tacoma Corridor. The total cost of that amendment is calculated to be approximately \$386,000 for 2007. Thus, the total impacts of both amendments are projected to be approximately \$516,000. The remaining budget of approximately \$1,000,000 is sufficient to fund the additional service being requested in this contract amendment.

The Proposed 2008 Budget has been developed with the assumption that a full year of this additional trip will be provided. In addition, the Finance Plan assumes that this additional trip will be provided for the duration of the remaining contract with BNSF.

BUDGET TABLE

The BNSF service agreements are funded on an annual basis by Board adoption of the annual transit operations budget. The Sounder commuter rail transit operations budget is included on page 55 of the Adopted 2007 Budget book. The impact of the proposed action on the transit operations budget is as follows:

Summary for Board Action (Year of Expenditure \$000)

Action Item: Amend the existing BNSF Service Agreement to provide for one additional round trip in the Seattle- Everett Corridor.

	Service to be Charged to: Sounder Transit Operations budget	Current Board Adopted Budget¹	Spent and Committed to Date²	Available to Fund this Contract	2007 Portion Proposed Action³
1	Purchased Transportation	7,296	6,250	1,046	125
2	Total Account	7,296	6,250	1,046	125

Notes

¹ The Sounder Transit Operations budget was included in page 55 of the Adopted 2007 budget book.

² Represents the amount that has been spent and committed through December 31, 2007 for service between Seattle and Tacoma and Seattle to Everett. Actual spending is through August 31, 2007, with the committed amount representing the cost of the existing service levels through the end of the year.

³ Represents the additional cost in 2007 of the additional round trips between Seattle and Tacoma at a rate of approximately \$26.50 per train mile.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Sounder commuter rail service has been provided by BNSF on the Seattle-Tacoma Corridor since December 2003. Under the terms of the Joint Use Agreement, Sound Transit is entitled to operate a third round trip under its third commuter rail easement two-years after it acquired all environmental permits required for BNSF's construction of improvements in the area between, but not including Seattle and Everett. Certification that the required permits were in hand was sent to the BNSF on August 18, 2006. The purpose of the two-year period between permitting and operation was to allow BNSF to construct improvements without interfering with freight operations. There were delays and changes in design by BNSF. Sound Transit's accommodation of the design delays resulted in a delay in the submittal of environmental permit applications. Under the Joint Use Agreement, the third round trip would not start until August 18, 2008. This amendment permits the third round trip to start operation on September 24, 2007.

Prior Board/Committee Actions

Motion/Resolution Number and Date	Summary of Action
M2003-131 12/17/03	Authorize execution of the BNSF Everett-Seattle Corridor Commuter Rail Service Agreement.
M2003-130 12/17/03	Authorize execution of the BNSF Everett-Seattle Corridor Joint Use Agreement.
R2003-22 12/17/03	Authorize execution of the Purchase and Sale Agreement between BNSF and Sound Transit for Commuter Rail Easements between Everett and Seattle.

CONSEQUENCES of DELAY

BNSF and Sound Transit wish to start a third round trip operations on September 24, 2007.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SSK 9/10/07

LEGAL REVIEW

JDW 09/11/07

SOUND TRANSIT

MOTION NO. M2007-99

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute amendments to the BNSF Railway Company Joint Use Agreement and North Service Agreement for the Everett-Seattle corridor to permit a third round trip on September 24, 2007 and a fourth round trip on August 18, 2008.

Background:

Sounder commuter rail service has been provided by BNSF on the Seattle-Tacoma Corridor since December 2003. Under the terms of the Joint Use Agreement, Sound Transit is entitled to operate a third round trip under its third commuter rail easement two-years after it acquired all environmental permits required for BNSF's construction of improvements in the area between, but not including Seattle and Everett. Certification that the required permits were in hand was sent to the BNSF on August 18, 2006. The purpose of the two-year period between permitting and operation was to allow BNSF to construct improvements without interfering with freight operations. There were delays and changes in design by BNSF. Sound Transit's accommodation of the design delays resulted in a delay in the submittal of environmental permit applications. Under the Joint Use Agreement, the third round trip would not start until August 18, 2008. This amendment permits the third round trip to start operation on September 24, 2007.

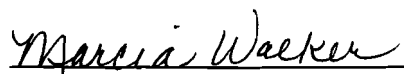
Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute amendments to the BNSF Railway Company Joint Use Agreement and North Service Agreement for the Everett-Seattle corridor to permit a third round trip on September 24, 2007 and a fourth round trip on August 18, 2008.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 13, 2007.


John W. Ladenburg
Board Chair

ATTEST:



Marcia Walker
Board Administrator