



MOTION NO. M2015-105

Amendment to the Commuter Rail North Service Agreement with BNSF Railway Company

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Operations and Administration Committee	11/05/2015	Recommend to Board	Bonnie Todd, Executive Director, Operations
Board	11/19/2015	Final Action	Martin Young, Sounder Operations Manager

PROPOSED ACTION

Authorizes the chief executive officer to execute an amendment to the Commuter Rail North Service Agreement including exercising a five-year term extension option with the BNSF Railway Company for the continued operation of Sounder north line service between Everett and Seattle in the amount of \$17,836,712, for a total authorized agreement amount not to exceed \$52,945,898.

KEY FEATURES SUMMARY

- Sound Transit is exercising an option in the Commuter Rail North Service Agreement, to extend the term, beyond the 12-year base period, for five years through December 2020.
- Provides for continued operation of four daily round trips of Sounder commuter service between Everett and Seattle.
- BNSF Railway Company (BNSF) will continue to provide train crews, management, maintenance-of-way, dispatching, and operations administration.
- Rates for reimbursement include cost adjustments through agreed upon indices for inflation, but are otherwise unchanged from the original 2003 agreement.
- The amendment modifies the agreement to provide for BNSF to be paid crew costs for days of cancelled service if Sound Transit decides to preemptively annul trains before a slide actually occurs.
- The amendment updates the agreement to ensure there are no BNSF penalties for service delays due to positive train control or Federal Railroad Administration required crew testing during operating hours.

BACKGROUND

Sound Transit first entered the Commuter Rail North Service Agreement with BNSF to operate Sounder commuter rail between Everett and Seattle in 2003.

The term of the Commuter Rail Service agreement was for 12 years, with an option of 5 additional years, for a maximum term of 17 years. The base period expires in December 2015. The 5-year extension would authorize BNSF to extend services through December 2020.

In addition to train operations, BNSF provides computer and communications equipment in support of the service in the Everett facility. As part of the agreement, BNSF also performs federally required training and testing of crewmembers and participates in regular operational meetings related to Sounder service, including safety meetings, monthly performance review meetings, and quarterly on-time performance review meetings.

BNSF operates four daily round trips for commuter service and supports Sounder north line special service on weekends to Seahawk, Mariners, and Sounders FC sporting events.

Sound Transit has a perpetual right to operate trains in the Everett to Seattle corridor under a Joint Use Agreement with BNSF executed along with the Commuter Rail Service Agreement in 2003. The Joint Use Agreement provides Sound Transit with four perpetual easements for commuter rail service.

FISCAL INFORMATION

The cost of services under this agreement is funded from the purchased transportation services within the Sounder annual operating budget*. Total cost for the next five years is \$17,836,712. The 2016 budget request for Sounder purchased transportation services is \$9,991,560. Within that amount, \$3,174,773 is committed to north line based on the estimated costs under the proposed action. Budget authority for this proposed action will be granted upon the Board's adoption of the 2016 operating budget in December 2015.

Estimated expenses beyond 2016 under the proposed action will be included in the future annual budgeting cycle.

* *Sounder operating budget can be found on page 36 of Proposed 2016 Budget.*

SMALL BUSINESS/DBE PARTICIPATION, APPRENTICESHIP UTILIZATION, AND TITLE VI COMPLIANCE

Not Applicable

PUBLIC INVOLVEMENT

Not Applicable

TIME CONSTRAINTS

A one-month delay may not impact operations, but an extension would need to occur before the expiration of the agreement in December.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2003-130: Authorized the chief executive officer to execute a Joint Use Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company for Everett to Seattle Commuter Rail Easements.

Motion No. M2003-131: Authorized the chief executive officer to execute a commuter rail service agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company for Everett to Seattle Commuter Rail Services.

Resolution No. R2003-22: Authorized the execution of eight agreements covering the purchase and sale of right-of-way and right-of-way interests, joint use conditions and services between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company (BNSF) for Sounder in the Everett to Seattle and Lakewood to Tacoma corridors.

ENVIRONMENTAL REVIEW

JI 10/28/2015

LEGAL REVIEW

JW 10/29/2015

MOTION NO. M2015-105

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an amendment to the Commuter Rail North Service Agreement including exercising a five-year term extension option with the BNSF Railway Company for the continued operation of Sounder north line service between Everett and Seattle in the amount of \$17,836,712, for a total authorized agreement amount not to exceed \$52,945,898.

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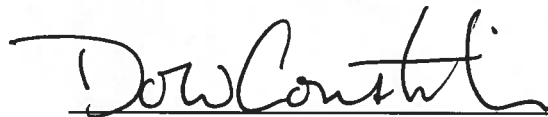
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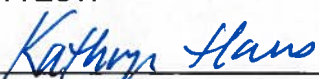
MOTION:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an amendment to the Commuter Rail North Service Agreement including exercising a five-year term extension option with the BNSF Railway Company for the continued operation of Sounder north line service between Everett and Seattle in the amount of \$17,836,712, for a total authorized agreement amount not to exceed \$52,945,898.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 19, 2015.


Dow Constantine
Board Chair

ATTEST:


Kathryn Flores
Board Administrator