

Testimony presented to Snohomish County Council

May 2, 2018

My name is Will Knedlik, and I appear today as president of Eastside Rail Now!, an organization that has long advocated for cost-effective, ecologically enhancing and safety-focused rail projects.

The purpose of this testimony is to supplement information supplied to this Honorable Council in March, 2018 about Sound Transit's explicit contractual obligation to complete its light rail transit spine to Everett, from Seattle, **before** it starts further LRT construction in that city, principally to benefit residents there, and to comment on matters identified by the junior taxing district's chief executive officer to your Public Works Committee during its pivotal session on April 17, 2018.

Among crucial intelligence obtained by trenchant questions from that Committee's chair – as well as from all other Council members – was Peter Rogoff's primary, and perhaps only, justification for that subordinate agency's plans to violate a major duty under its statutory contract, with King, Pierce and Snohomish counties, so as to deny negotiated benefits to Everett and other Snohomish County residents north of Alderwood Mall: namely, "things change" and "things have changed."

Not only is Mr. Rogoff entirely correct in recognizing this completely self-evident reality, but no person involved in negotiating terms of a statutory contract between Sound Transit and the three counties, in 1994, was unaware of the utterly obvious. Indeed, it was precisely because Hon. Ed Hansen and other members of the Sound Transit Board were thinking ahead, by several decades, and were fully aware that **all** leverage in negotiations was held by the counties due to their ability to deny **all** taxing authority to Sound Transit, then, that the resulting statutory contract was aptly designed as a public-sector equivalent of a prenuptial agreement, which was based on knowledge that things inevitably change in long-term relationships, but which therefore required a few core duties to be guaranteed, contractually, so those central obligations **cannot** be altered in any way.

Among those quintessential contractual responsibilities undertaken by Sound Transit – which are legally protected for Snohomish County residents by the contract clauses of our federal-and-state constitutions – are overtly negotiated requirements both that "Light rail called for in Phase I shall be completed prior to construction of other light rail segments included in the Master Plan," and also that "In subsequent phases of Plan implementation, priority shall be given to any remaining [such] segments that would link the four major centers – Everett, Seattle, Tacoma and Bellevue (including segments to Redmond and Totem Lake)." (*Master Plan*, page 2-8, as annexed hereto).

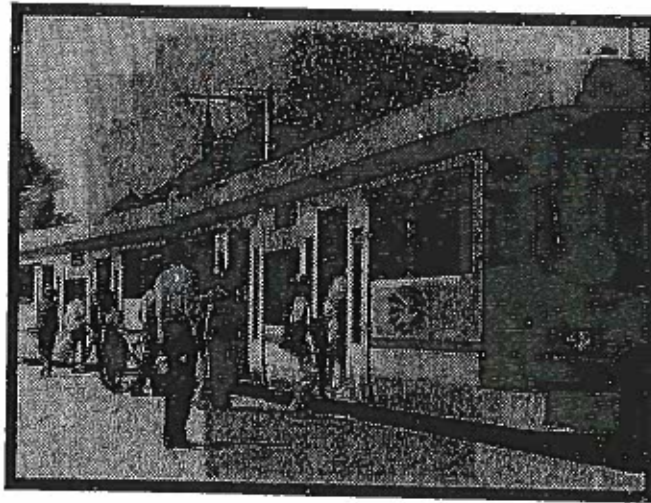
Simply put, once Sound Transit has built out the LRT spine as guaranteed to residents of Everett and of Kirkland (Totem Lake), which was one contractual *quid pro quo* for its taxing authority, it will be freed, **thereby**, from the contractual obligation negotiated to obtain that power to tax; **but** it lacks **any** lawful authority, **until then**, to substitute a "things change" bromide for legal duties.

Basic forensic textual philology – if applied to above-quoted language that establishes legal rights of Snohomish County and Kirkland residents, when compared to *draft* texts during negotiations, in 1994, which are attached – documents that this major guarantee was then strengthened, **legally**, as I would be happy to demonstrate in more detail, if desired, than time afforded now will allow.

Hence, the key query for Snohomish County is whether it will protect legal rights of its residents?

THE REGIONAL TRANSIT SYSTEM

MASTER PLAN



Fighting congestion. Moving people.

As adopted October 29, 1994

HE
4487
P84
C46
1994



Univ. of Washington Libraries

that will not be served by rail are a part of the regional strategy.

V REGIONAL RAIL SYSTEM

A. RAIL NETWORK AND PHASING

Map C and other discussion of alignments in this plan represent the regional rail system vision. The RTA will conduct an alternatives analysis-type process to identify specific rail alignments, including routes, grade/profile and station locations. This process will include extensive coordination with local jurisdictions, the public and other agencies.

1. *Commuter Rail*

The regional rail system vision includes commuter rail service between Tacoma/Lakewood, Seattle and Everett, to begin initial operations within two years of locally committed funding. This service would operate on existing railroad rights-of-way initially using diesel powered locomotives and bi-level commuter cars.

The RTA will work with potential bidders, major private sector employers along the proposed route and federal, state and local agencies, to develop a funding package to implement the line. The RTA will also continue to work in a coalition with the Ports, WSDOT and other partners to seek additional state and federal funds for the project.

To support development of the commuter rail system, the following services and facilities will be developed:

- intra-county express and local feeder bus operations, provided by local transit operators, to connect commuter rail stations with centers and park and ride lots
- expedited right-of-way acquisition for, and construction of, transit rail stations and park-and-ride lots serving commuter rail
- expedited construction of pedestrian, bicycle, and motorized vehicle access improvements within a quarter mile radius of commuter rail stations.

Commuter rail should be developed to be compatible with the multiple transportation uses for this corridor. The Puget Sound Regional Council is currently developing a Metropolitan Transportation Plan which will address issues related to the effective and efficient movement of freight, goods and people throughout the region. The RTA will work in cooperation with PSRC, WSDOT, Port Authorities and affected railroad operators to develop a memorandum of understanding that describes how to manage the multiple uses of this railroad corridor. However, RTA funds will not be used for enhancing rail freight movements except as an incidental benefit of passenger operation or as required for necessary mitigation related to the implementation Commuter Rail service.

The RTA will also work with local jurisdictions, the railroads and WSDOT to improve rail operating speeds and address grade crossing issues that result from the implementation and potential upgrading of Commuter Rail service. The RTA shall consider factors such as surrounding land uses, public testimony, safety and accident data and freight mobility in recommending speed limit modifications.

2. Light Rail

The regional rail system also includes a new rail network for the year 2020 as shown on Map C, including the Phase I element discussed later in this Plan. **Light rail called for in Phase I shall be completed prior to construction of other light rail segments included in the Master Plan, with the exception of the I-405 corridor between South Kirkland and SeaTac, for which Transit Development Fund dollars shall be used in Phase I to study and provide a local source of revenue for implementation of the appropriate technology. In subsequent phases of Plan implementation, priority shall be given to any remaining segments that would link the four major centers - Everett, Seattle, Tacoma and Bellevue (including segments to Redmond and Totem Lake).**

3. Potential Rail Extensions

The RTA may consider rail extensions beyond the regional rail system vision if 1) funding for the rail system vision has been committed, 2) other segments are requested to be considered as a part of sub-regional equity, or 3) a segment completes an important regional link. The RTA may also evaluate technology upgrades as appropriate.

The following potential extensions have already been covered by the Master Plan environmental documentation:

- Lakewood/McChord south to Fort Lewis/Dupont
- I-405 north between I-90 and 164th SW
- I-405 south between I-90 and SeaTac (completion)
- I-90 east of I-405 to Issaquah
- downtown Seattle to Ballard to the University District.
- 164th SW to Everett CBD

Other potential extensions would require appropriate system level environmental review prior to inclusion in the Master Plan as specified in System Implementation, section VI, Plan Review and Update Process.



B. RIGHT-OF-WAY PRESERVATION

The RTA will develop an aggressive right-of-way preservation program in each participating county to secure the maximum number of sites for potential rail stations, alignments, operating facilities and other facilities needed for the full bus and rail system. Right-of-way will be secured through option or purchase or will be preserved by using local land-use zoning and permitting where allowed by law.




The RTA will work with WSDOT and other responsible jurisdictions early during project development to identify areas of right-of-way constraint and multiple proposed transportation improvements. Regional transit proposals in these corridors will require careful design consideration and coordination to accommodate the RTA's plans and other proposed transportation improvements.

Station site acquisition should be consistent with local jurisdictions' comprehensive plans. Where appropriate, the RTA working with local transit operators, will use acquired sites for interim and supporting bus service and facilities before rail operation. Where appropriate, the RTA will jointly fund



LEGEND

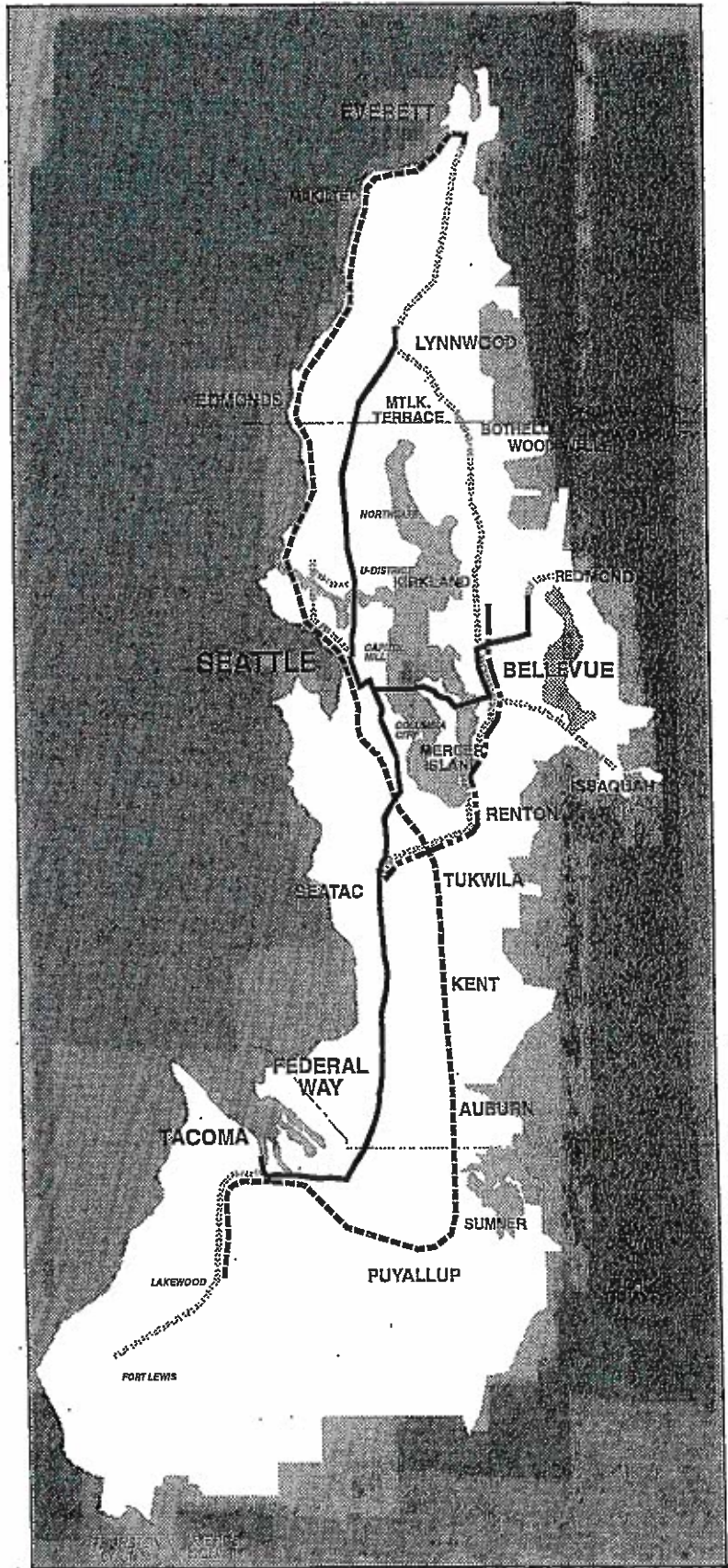



Phase I

-  Light rail
-  Commuter rail
-  Subject to study

Future Phases

-  Possible extensions
-  Regional Transit District



Univ. of Washington Libraries



Regional Transit Authority

Regional Transit System Master Plan

DRAFT

September 9, 1994

King County Transportation &
Natural Resources Library
821 Second Avenue M.S. 90
Seattle, WA 98104-1598

should *will* work with potential bidders, major private sector employers along the proposed route and federal, state and local agencies, to develop a funding package to implement the line. ~~The RTA should form a coalition with the Ports of Seattle and Tacoma, along with WSDOT, to seek additional state and federal funds for the project.~~

To support development of the commuter rail system, the following services and facilities will be developed:

- intra-county express and local feeder bus operations, provided by local transit operators, to connect commuter rail stations with centers and park and ride lots
- expedited right-of-way acquisition for, and construction of, transit rail stations and park-and-ride lots serving commuter rail
- expedited construction of pedestrian, bicycle, and motorized vehicle access improvements within a quarter mile radius of commuter rail stations.

Commuter rail should be developed to be compatible with the statewide passenger rail program and in a way that ensures continued freight train mobility. However, RTA funds ~~are not intended~~ *will not be used* for enhancing rail freight movements *except as an incidental benefit of passenger operation.*

Rail: The regional rail system *also* includes a ~~rapid new~~ rail network ~~to be completed by (2015) vision for the year 2020~~ as shown on Map C. At a minimum, the region's four major centers - downtown Everett, Seattle, Tacoma and Bellevue (including segments to Redmond and Totem Lake) - shall be connected ~~by rapid with~~ rail before any construction ~~on of~~ other rapid rail segments. ~~The RTA's goal will be to connect the four centers (including the Redmond and Totem Lake segments) with rapid rail by 2010.~~

~~Before implementing rapid rail service to Renton, the need to maintain commuter rail service to Renton will be assessed.~~

~~Both rapid rail and commuter rail service from Tacoma to Lakewood/McChord will be evaluated to determine how to best serve this market.~~

2. Potential rail extensions

~~By 2005, The RTA shall consider at least the following extensions to the 2010 rail system, based upon a review of demographic trends and population and employment concentrations under the state Growth Management Act:~~

The RTA may consider rail extensions beyond the regional rail system vision if 1) funding for the rail system vision has been committed, 2) other segments are requested to be considered as a part of sub-regional equity, or 3) a segment completes an important regional link. Rail extensions can be considered after completion of the appropriate environmental review process.