



Motion No. M2019-117

Amendment to the Commuter Rail Service Agreement with BNSF Railway Company to Enhance Appendix 11 Regarding Positive Train Control

Meeting:	Date:	Type of action:	Staff contact:
Rider Experience and Operations Committee Board	12/05/2019	Recommend to Board	Bonnie Todd, Executive Director, Operations
	12/19/2019	Final action	Robin Braziel, Director, Bus, Rail and Paratransit Martin Young, Sounder Operations Manager

Proposed action

Authorizes the chief executive officer to execute an amendment to the Commuter Rail Service Agreement with the BNSF Railway Company to incorporate changes related to the south line service agreement scope of work for Positive Train Control.

Key features summary

- The amendment enhances Appendix 11 “Positive Train Control (PTC) Services Provided by BNSF to Sound Transit”
- There is no additional anticipated cost associated with this amendment to Sound Transit. The revised scope of work clarifies what was understood as responsibilities identified in the prior amended agreement.
- Specific items outlined for additional detail include:
 - Third party vendors maintain wayside equipment
 - If a location stops working properly, BNSF employees may need to provide maintenance; if a physical touch is required there will be a charge to update radio software.
 - BNSF is responsible for PTC training of BNSF crewmembers.
 - BNSF will not provide ST access to the BNSF systems used to send software, configure files and track databases to the BNSF locomotives and locomotives of BNSF partners
 - BNSF has exclusive responsibility for modifying base station radios or back office equipment
- If there are additional costs associated with BNSF hands-on repair work (none anticipated), the cost will be absorbed by the existing monthly actual cost reimbursement invoicing.

Background

BNSF is the operator, dispatcher, and owner of the right-of-way for both the Seattle-to-Everett Sounder segment and the Seattle-to-Tacoma Sounder segment. The Seattle-to-Tacoma Sounder segment was extended nine miles south to Lakewood in October of 2012 on Sound Transit-owned right-of-way.

A 2003 amendment to the Commuter Rail Service Agreement with BNSF outlined basic terms for BNSF's operation of Sound Transit's Sounder service on the Sound Transit right-of-way that Sound Transit purchased from BNSF. With the opening of the extension, additional responsibilities not covered in the 2003 amendment, particularly the federally-mandated positive train control, become apparent. A 2015 amendment (effective 2016) was authorized that provided a scope of work for BNSF to take on responsibilities for the PTC back office and other related duties, found in Appendix 11. That amendment also included setting up and maintaining federally-required railroad timetables, special instructions, and other Federal Railroad Association-required documents for operations, maintenance, and safety, as well as funding the software for BNSF's NetSim training simulation.

This amendment further delineates the BNSF responsibilities as they have become clearer after an initial phase of PTC operations. The Sounder PTC system is been designed to be fully interoperable with the BNSF I-ETMS (PTC) system that has also been operating for several years.

The term of the BNSF service agreement is for 40 years, 21 of which are remaining.

Sounder implemented PTC on the BNSF owned corridor between Everett and Tacoma in 2017 and completed the implementation on the ST owned Lakewood Subdivision in February 2018.

Under this amendment, BNSF will continue to provide back office and dispatching services, with regular reporting of train performance in coordination with ST, Amtrak and the vendor of equipment and software, Wabtec.

PTC reliability and BNSF performance will continue to be reviewed in regular maintenance and operational meetings related to Sounder service, including safety meetings, monthly performance review meetings, and semi-annual contract performance meetings.

Sounder PTC back office and dispatching services are performed at the BNSF Network Operations Center in Fort Worth, Texas; local management supporting the service and overseeing train crews are co-located with Sounder Operations staff in Union Station.

Fiscal information

Although there is no direct fiscal action associated with the proposed action, the approval of the agreement does establish conditions of which fiscal actions may be required.

Disadvantaged and small business participation

Not Applicable to this action.

Public involvement

Not applicable to this action.

Time constraints

A one-month delay would not create a significant impact to Sounder Operations.

Prior Board/Committee actions

Motion No. M2016-54: Authorized the chief executive officer to execute amendments to the Commuter Rail Service Agreement (Seattle to Nisqually), the Joint Use Agreement (Seattle to Tacoma), the Commuter Rail North Service Agreement, and the Joint Use Agreement (Everett to Seattle), all with the BNSF Railway Company, to adjust insurance provisions to reflect the passenger rail liability cap increase under federal law.

Motion No. M2015-106: Authorized the chief executive officer to execute an amendment to the Commuter Rail Service Agreement with the BNSF Railway Company to incorporate changes related to the south line service agreement including the extension of service to Lakewood on Sound Transit right-of-way and the implementation of positive train control.

Motion No. M2010-71: Authorized the chief executive officer to execute an amendment to the Commuter Rail Service Agreement with The BNSF Railway Company for the operation of Sounder commuter rail service between Seattle and Lakewood to add four additional Sounder commuter rail weekday round trips.

Motion No. M2007-98: Authorized the chief executive officer to execute an amendment to the BNSF Railway Company Service Agreement for Sounder commuter rail for the Seattle to Tacoma Corridor to permit up to six round trips before completion of Phase 2 railroad improvements under the BNSF Railway Company Construction Agreement.

Motion No. M2003-136: Authorized the Chief Executive Officer to execute a First Amendment to the Commuter Rail Service Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company.

Motion No. M2003-135: Authorizing the chief executive officer to execute a Joint Use Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern and Santa Fe Railway Company for Tacoma to Nisqually Railroad right-of-way and properties.

Resolution No. R99-22: Authorized the Executive Director to execute two contracts with The Burlington Northern and Santa Fe Railway (BNSF), each to be substantially in accordance with the basic terms for such agreements set forth in the Background and Comments attached hereto as Exhibit A. The first is a long-term contract that will provide for BNSF to operate Sounder commuter rail service between Seattle and Tacoma (Operating Agreement). The second is a contract that will specify agreed-upon capital improvements on and around BNSF's existing railroad right-of-way, and provide for BNSF to construct those improvements and for Sound Transit to contribute approximately \$200 million and other public authorities to contribute approximately \$70 million to the cost of such construction (Construction Agreement).

Environmental review – KH 11/26/19

Legal review – JW 11/26/19



Motion No. M2019-117

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 Service Agreement with the BNSF Railway Company to incorporate changes related to the south line service agreement scope of work for Positive Train Control.

Background

BNSF is the operator, dispatcher, and owner of the right-of-way for both the Seattle-to-Everett Sounder segment and the Seattle-to-Tacoma Sounder segment. The Seattle-to-Tacoma Sounder segment was extended nine miles south to Lakewood in October of 2012 on Sound Transit-owned right-of-way.

A 2003 amendment to the Commuter Rail Service Agreement with BNSF outlined basic terms for BNSF's operation of Sound Transit's Sounder service on the Sound Transit right-of-way that Sound Transit purchased from BNSF. With the opening of the extension, additional responsibilities not covered in the 2003 amendment, particularly the federally-mandated positive train control, become apparent. A 2015 amendment (effective 2016) was authorized that provided a scope of work for BNSF to take on responsibilities for the Positive Train Control (PTC) back office and other related duties, found in Appendix 11. That amendment also included setting up and maintaining federally-required railroad timetables, special instructions, and other Federal Railroad Association-required documents for operations, maintenance, and safety, as well as funding the software for BNSF's NetSim training simulation.

This amendment further delineates the BNSF responsibilities as they have become clearer after an initial phase of PTC operations. The Sounder PTC system is been designed to be fully interoperable with the BNSF I-ETMS (PTC) system that has also been operating for several years.

The term of the BNSF service agreement is for 40 years, 21 of which are remaining.

Sounder implemented PTC on the BNSF owned corridor between Everett and Tacoma in 2017 and completed the implementation on the ST owned Lakewood Subdivision in February 2018.

Under this amendment, BNSF will continue to provide back office and dispatching services, with regular reporting of train performance in coordination with ST, Amtrak and the vendor of equipment and software, Wabtec.

There is no additional anticipated cost associated with this amendment to Sound Transit. The revised scope of work clarifies what was understood as responsibilities identified in the prior amended agreement.

Specific items outlined for additional detail include:

- Third party vendors maintain wayside equipment
- If a location stops working properly, BNSF employees may need to provide maintenance; if a physical touch is required there will be a charge to update radio software.
- BNSF is responsible for PTC training of BNSF crewmembers.
- BNSF will not provide ST access to the BNSF systems used to send software, configure files and track databases to the BNSF locomotives and locomotives of BNSF partners
- BNSF has exclusive responsibility for modifying base station radios or back office equipment

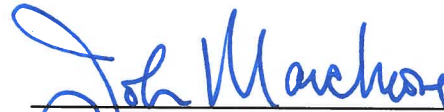
PTC reliability and BNSF performance will continue to be reviewed in regular maintenance and operational meetings related to Sounder service, including safety meetings, monthly performance review meetings, and semi-annual contract performance meetings.

Sounder PTC back office and dispatching services are performed at the BNSF Network Operations Center in Fort Worth, Texas; local management supporting the service and overseeing train crews are co-located with Sounder Operations staff in Union Station.

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 Service Agreement with the BNSF Railway Company to incorporate changes related to the south line service agreement scope of work for Positive Train Control.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 19, 2019.



John Marchione
Board Chair

Attest:



Kathryn Flores
Board Administrator