



Motion No. M2019-58

Link Operations and Maintenance Agreement with King County

Meeting:	Date:	Type of action:	Staff contact:
Rider Experience & Operations Committee	06/06/2019	Recommend to Board	Bonnie Todd, Executive Director of Operations
Board	06/27/2019	Final action	Mike Perry, Deputy Executive Director, Transportation & Maintenance Paul Denison, Executive Operations Director, Link Light Rail

Proposed action

Authorizes the chief executive officer to execute an agreement with King County to provide Link light rail operations and maintenance services through December 31, 2023, with three additional two-year options to extend, and ratifies extensions to the 2009 revision of the 2003 agreement with King County for Link light rail operations and maintenance services that were signed by the parties.

Key features summary

- The current agreement with King County for Link operations and maintenance expires in July 2019 and this new agreement replaces it.
- This new agreement has clearer lines of authority, cost containment on overhead, enhanced operating rules, increased partnership communication, performance standards and other language which reflects the lessons learned in a decade of joint rail operations and maintenance.
- King County light rail positions will continue to be solely focused on Link light rail. Link operations and maintenance functions will not perform work in support of Seattle streetcar operations and maintenance.
- Key changes include the following:
 - Sound Transit will have a more defined role in employee management-level hiring decisions. Under the new agreement Sound Transit will consult with King County management in hiring for non-represented and leadership positions. King County retains the ultimate decision on hiring.
 - Sound Transit will now have the opportunity to consult with King County at key decision points on matters relating to employee performance and discipline. King County retains the ultimate decision on managing performance and discipline, per union bargaining agreements.
 - King County will provide Sound Transit additional paratransit data and information.
 - King County will develop a process to provide Sound Transit information regarding Executive and Council policy changes in a timely manner that will impact Budget/Cost, and Collective Bargaining Agreement Changes.

- Updates were included in the “Start-up” section to reflect the current status of the Link system and allow for expansion on a segment-by-segment basis.
- Sound Transit will manage and resolve Downtown Seattle Transit Tunnel (DSTT) premises liability claims now that buses no longer use DSTT (Sound Transit already manages premises liability claims for the remainder of its Link system, including other stations).
- Updates insurance requirements to reflect Sound Transit’s actual insurance policy coverage. Preserves current claims management process regarding claims arising out of Link train operations.
- Eliminates outdated language regarding joint bus and train operations, the retrofit of the DSTT for rail operations, and outdated exhibits.
- Clarifies level and responsibility for third party contractual agreements.
- Updates processes to reflect current practices in environmental and safety management.
- Not later than 18 months before the end of the base term, the parties must decide whether to (a) negotiate a new agreement; (b) enter into a two-year extension (up to three 2-year extensions are allowed, for a total of not more than 6 years’ extension); or (c) plan for expiration of the agreement and transition of Link operations and maintenance duties to a third party upon expiration.
- In 2003, Sound Transit and King County executed an agreement for Link light rail operations and maintenance. An option to extend the term for up to five years was included in the agreement, but was never formally approved by the Sound Transit Board. Sound Transit and King County have operated under the 2003 agreement since it was signed.

Background

In 2003, Sound Transit and King County entered into a Link Operations and Maintenance Agreement (“2003 O&M Agreement”) for the first time to operate and maintain Link light rail that was to expire at the Passenger Service Date (“PSD”) or December 31, 2015, whichever was earlier, with the ability to extend the agreement for five additional years. The 2003 O&M Agreement was administratively revised in 2009 (“2009 Revision”). The revised 2009 agreement incorporated better practices and procedures for carrying out the operation of Link and to include the Airport segment of the system. The 2009 Revision did not change the term of the 2003 agreement. However, the resolution authorizing the 2003 Link O&M Agreement did not expressly authorize the extension of up to five additional years that is included in the 2003 Link O&M Agreement. The agreement was extended in one-year increments totaling five years. The last extension expires on July 17, 2019. Because the extension of up to five years was not expressly authorized in the resolution, staff requests ratification of the extensions of the 2009 Revision from July 17, 2014 to July 17, 2019.

In March 2018, a Memorandum of Understanding (MOU) between ST and KCM was signed by Peter Rogoff and Rob Gannon for the negotiations of a new Light Rail Operations and Maintenance Agreement. The MOU set forth principles for the agreement development, steering committee and negotiations team structure, and negotiations presumptions.

Fiscal information

Funding for 2019 under this agreement is included in the Purchased Transportation category within the Operations department’s annual operating budget. The Purchased Transportation category budget is \$196,186,331, of which \$50,968,891 is budgeted for Link.

Funding for future years under this agreement will be included in the annual budget development process based on negotiated estimated costs as provided by King County in conformance with the

proposed agreement and the service assumptions provided in the Service Implementation Plan for that year.

Small and Disadvantaged Business participation

Not applicable to this action.

Title VI compliance

Updates nondiscrimination provisions to include more robust Title VI compliance requirements consistent with ST and KC Title VI programs.

Public involvement

Not applicable to this action.

Time constraints

The current agreement with King County expires July 17, 2019.

Prior Board/Committee actions

Resolution No. R2003-06: Authorized the Executive Director to execute an intergovernmental agreement with King County for (1) the operation and maintenance of Central Link Light Rail (including the Downtown Seattle Transit Tunnel) and the provision of complementary paratransit services for a term commencing with passenger service and running for five years (or until December 31, 2015, whichever is earlier) for an estimated amount of \$124.1 million (YOES); and (2) the performance of start-up activities for an estimated amount of \$17.36 million (YOES) in capital funds.

Environmental review – KH 5/28/19

Legal review – JDW 6/3/19



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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an agreement with King County to provide Link light rail operations and maintenance services through December 31, 2023, with three additional two-year options to extend, and ratifies extensions to the 2009 revision of the 2003 agreement with King County for Link light rail operations and maintenance services that were signed by the parties.

Background

The current agreement with King County for Link operations and maintenance expires in July 2019 and this new agreement replaces it. This new agreement has clearer lines of authority, cost containment on overhead, enhanced operating rules, increased partnership communication, performance standards and other language which reflects the lessons learned in a decade of joint rail operations and maintenance.

King County light rail positions will continue to be solely focused on Link light rail. Link operations and maintenance functions will not perform work in support of Seattle streetcar operations and maintenance.

Key changes include the following:

- Sound Transit will have a more defined role in employee management-level hiring decisions. Under the new agreement Sound Transit will consult with King County management in hiring for non-represented and leadership positions. King County retains the ultimate decision on hiring.
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- King County will provide Sound Transit additional paratransit data and information.
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Not later than 18 months before the end of the base term, the parties must decide whether to (a) negotiate a new agreement; (b) enter into a two-year extension (up to three 2-year extensions are

allowed, for a total of not more than 6 years' extension); or (c) plan for expiration of the agreement and transition of Link operations and maintenance duties to a third party upon expiration.

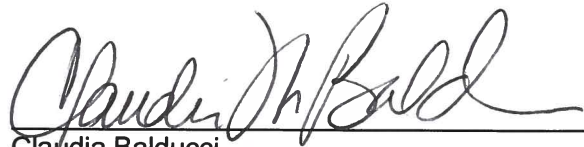
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Motion

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 agreement with King County to provide Link light rail operations and maintenance services through December 31, 2023, with three additional two-year options to extend, and ratifies extensions to the 2009 revision of the 2003 agreement with King County for Link light rail operations and maintenance services that were signed by the parties.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 27, 2019.



Claudia Balducci
Board Chair Pro Tem

Attest:



Kathryn Flores
Board Administrator