

SOUND TRANSIT

RESOLUTION NO. R2002-22

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to join or defend any legal proceeding to determine the legality and application of Initiative 776 to Sound Transit and to defend Sound Transit's interests.

WHEREAS, the Puget Sound region has the third-worst traffic congestion among major metropolitan areas in the United States, posing a grave threat to the economic vitality and quality of life in this region; and

WHEREAS, population data suggest the Puget Sound Region will increase by 1.5 million people in the next 20 years, and the existing transportation system – already at full capacity – is not capable of absorbing additional traffic growth of this magnitude; and

WHEREAS, local control is a fundamental principle of governance in communities across the Puget Sound region and Washington State; and

WHEREAS, in 1996 by a vote of 56.5% to 43.5%, voters in the urban areas of Pierce, King, and Snohomish Counties approved the Sound Move plan to connect major urban centers with a new regional transit system comprised of light rail, commuter rail, express bus service, and a series of capital projects linking the three together; and

WHEREAS, by a vote of 51.5% to 48.5% voters statewide approved Initiative 776, a measure to repeal certain locally approved taxes to fund road and transit improvements, including a Sound Transit tax; and

WHEREAS, voters within the Sound Transit District have affirmed their investment in regional transit a second time by rejecting Initiative 776 by a vote of 56.4% to 43.6%, a margin nearly identical to the 1996 vote; and

WHEREAS, in North King County, the area paying the majority of the light-rail project costs, voters overwhelmingly rejected Initiative 776 by a 71-29 margin; and

WHEREAS, the people paying the tax voted to keep the tax and people not paying the tax voted to repeal it, even after citizens have already paid millions of dollars to fund portions of the regional transit system, which we believe unconstitutionally interferes with local voters' rights to determine how local resources are spent; and

WHEREAS, the right of citizens in the Puget Sound region to invest in their own communities – and thus the principle of local control – should not be unfairly overturned by a statewide vote; and

WHEREAS, the state constitution requires that initiatives to the people address only a single subject and that the subject be clearly set forth in the ballot title in order to ensure that citizens understand the proposal and to protect citizens from having to decide multiple topics with a single vote, a requirement clearly violated by Initiative 776; and

WHEREAS, Initiative 776 purports to eliminate the agency's authority to seek additional voter approval to use the MVET as a funding source for future transportation improvements such as the extension of light rail to Northgate, the expansion of commuter rail service, expanded regional bus service, and other improvements identified in the long-range vision for future phases, adopted May 31, 1996, by Resolution No. 73; and

WHEREAS, in 1999, Sound Transit borrowed \$350 million in bond debt secured by both the MVET and sales and uses taxes, and by agreement with bondholders such taxes must continue to be collected until the bonds are fully retired; and

WHEREAS, the Washington State Attorney General has affirmed Sound Transit's view that the agency's MVET tax must be collected until bonds issued by the agency to fund transit improvements are fully repaid in accordance with the contract with bondholders, thereby affirming that the bonds issued by the agency are secure; and

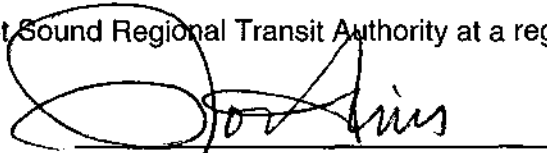
WHEREAS the MVET and sales and use taxes will be used as planned to fund construction of the commuter rail, light rail, and regional express transportation projects identified in Sound Move, including payment of future bond debt obligations; and

WHEREAS, a lawsuit has been initiated by Pierce County, King County, the City of Tacoma, and private citizens challenging the constitutionality of Initiative 776 raising issues that will require the court to determine a number of issues that directly or indirectly will determine how Initiative 776 impacts Sound Transit; and

WHEREAS, it is appropriate for the Sound Transit Board to join the legal challenge of Initiative 776 in order to protect the rights of voters in the Puget Sound region, the principle of local control, the existing voter-approved investment in transportation solutions, and the state constitution.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to join or defend any legal proceeding to determine the legality and application of Initiative 776 to Sound Transit and to defend Sound Transit's interests.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 12, 2002.

A handwritten signature in black ink, appearing to read "Ron Sims", written over a horizontal line.

Ron Sims
Board Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Marcia Walker", written over a horizontal line.

Marcia Walker
Board Administrator