

## **SOUND TRANSIT**

### **MOTION NO. M2003-111**

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to negotiate and execute an agreement with Burlington Northern Santa Fe Railway in an amount up to \$1 million to construct improvements deemed necessary for the start of one round trip commuter rail train each weekday between Everett and Seattle before the end of 2003 and to reimburse Burlington Northern Santa Fe Railway up to \$1 million of actual expenses, in the event that Sound Transit and Burlington Northern Santa Fe Railway fail to reach definitive agreements for purchase of rights to operate commuter trains in the Everett to Seattle corridor.

#### **Background:**

On May 28, 2003, Sound Transit and Burlington Northern Santa Fe Railway (BNSF) executed a Memorandum of Understanding (MOU) which outlined the general terms of definitive agreements that needed to be negotiated between Sound Transit and BNSF regarding Sound Transit's acquisition of interests in BNSF's Everett to Seattle corridor and its Lakeview Subdivision property under threat of condemnation, operation of those segments of track, and operation of Sounder commuter rail trains. One of the MOU's terms is that Sound Transit would begin operating one daily Sounder round trip between Everett and Seattle before the end of 2003.

Under the MOU, Sound Transit and BNSF agreed to negotiate such definitive agreements within 120 days after the execution of the MOU (September 26, 2003). Although the parties have amended the MOU to extend the time to December 1, 2003, to negotiate the definitive agreements, such negotiations will not be completed in time for BNSF to construct the improvements needed for the one daily round trip between Everett and Seattle before the end of the year. If the definitive agreements had been negotiated within 120 days, BNSF would have had sufficient time to make what it considers to be necessary improvements for the one daily Sounder round trip between Everett and Seattle by the end of 2003.

Since those negotiations are not yet completed, there is presently no agreement under which BNSF can start construction of such improvements. Under this separate proposed agreement, BNSF would immediately start construction of certain necessary improvements and complete them before the end of 2003. Should Sound Transit abandon its efforts to acquire the property interests through negotiation of the definitive agreements, Sound Transit will reimburse BNSF up to \$1 million of actual expenses for all work undertaken under this proposed agreement.

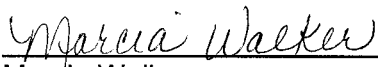
#### **Motion:**

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to negotiate and execute an agreement with Burlington Northern Santa Fe Railway in an amount up to \$1 million to construct improvements deemed necessary for the start of one round trip commuter rail train each weekday between Everett and Seattle before the end of 2003 and to reimburse Burlington Northern Santa Fe Railway up to \$1 million of actual expenses, in the event that Sound Transit and Burlington Northern Santa Fe Railway fail to reach definitive agreements for purchase of rights to operate commuter trains in the Everett to Seattle corridor.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 16, 2003.

  
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Kevin Phelps  
Finance Committee Chair

ATTEST:

  
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Marcia Walker  
Board Administrator