

SOUND TRANSIT

MOTION NO. M2003-126

A motion of the Board of the Central Puget Sound Regional Transit Authority adopting the 2004 State Legislative Program and directing staff to (1) further evaluate issues for impact to Sound Transit; and (2) regularly report status of and seek policy guidance on legislative issues.

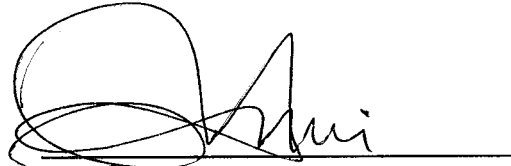
Background:

To provide policy guidance to Sound Transit staff and consultants in Olympia, the Board annually adopts a State Legislative Program and directs staff to regularly report on activities affecting the agency prior to and during legislative session.

Motion:

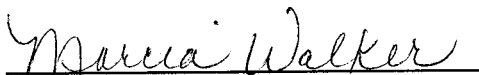
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority adopting the attached 2004 State Legislative Program and directing staff to (1) further evaluate issues for impact to Sound Transit; and (2) regularly report status of and seek policy guidance on legislative issues.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 11, 2003.

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

Sound Transit

Motion No. M2003-126

2004 State Legislative Program

This action would authorize Sound Transit staff and Olympia lobbyists to advocate and/or pursue the following positions during the upcoming legislative session.

1. Seek amendments to include “regional transit authorities” in the definition of owner or operator of a “Municipal Transit Vehicle” so that the unlawful bus conduct statute may be used to include commuter rail and light rail vehicles.

State law (RCW 9.91.025) spells out what activities are considered “unlawful bus conduct” on municipal transit vehicles. These activities include smoking, littering, playing radios, spitting, carrying flammable, explosive, or dangerous materials, harassing or disturbing others and destroying or damaging property.

The current definition of owner or operator of a “Municipal Transit Vehicle” for the purpose of enforcing the unlawful bus conduct statutes includes metropolitan municipal corporations (Metros), Public Transportation Benefit Areas (PTBAs) and County Transportation Authorities (CTAs). When the law was initially drafted, regional transit authorities did not exist. As such, in order to standardize unlawful conduct across the three lines of Sound Transit service, and to be consistent with other transit operators, Sound Transit will need to seek amendments to include “regional transit authorities” as an owner or operator of transit vehicles. This amendment would directly benefit Sounder and Tacoma Link.

2. Seek amendments to legislative authority allowing use of lease-leaseback financial transactions.

In 2000, Sound Transit sought and obtained special state legislation allowing financial transactions. Based on this legislation, Sound Transit entered into a lease-leaseback transaction for Sounder commuter rail cars and locomotives. In executing the transaction, the Department of Revenue determined that the 2000 legislation did not clearly and permanently grant Sound Transit all the necessary exemptions from state and local taxes that was the intent of the legislation. The Department of Revenue issued a one-time exemption of state taxes for the transaction that allowed Sound Transit to close the transaction. However, if the agency wishes to enter into additional lease transactions, it is not clear that we would be able to gain additional tax-exemption.

3. Support funding for a balanced statewide transportation package that includes funding for signal and track improvements for the north segment of Sounder Commuter Rail.

During the 2003 legislative session, the legislature passed a statewide transportation funding package for both capital and operating transportation programs. The transportation package did not address the \$31 million in backfill funds appropriated for signal and track improvements for the Sounder Commuter Rail program.

Since the failure of Referendum 51 in 2002, Sound Transit has continued to analyze methods for overcoming the \$31 million funding shortfall created by the passage of I-

695. Staff will monitor how funds for improvements to the north segment for Amtrak are appropriated and determine if any of these can be assigned to Sound Transit.

4. Oppose legislation that requires a public agency to pay for private utility relocation costs when the private utility is located within the public right of way.

During the 2001 and 2002 legislative sessions, bills were introduced into the House and Senate that would have required Sound Transit to pay for utility relocation in the public right of way. While recent court decisions have upheld Sound Transit's position, we are anticipating private utilities to introduce legislation that would ultimately transfer those costs to the public.

5. Oppose legislation that amends and changes the Sound Transit enabling statutes without the consent and advice of the Sound Transit Board of Directors.

Over the past six years numerous bills have been introduced aimed at dissolving Sound Transit and ultimately eliminating the many projects underway in the region and approved by the voters. Since the inception of Sound Transit the Board has consistently maintained a strong position of opposing all legislation which amends Sound Transit's enabling statutes without the advice and consent of the Board.

6. Oppose legislation or amendments to Sound Transit enabling statutes that would increase the costs of transit improvements and otherwise impair the agency's ability to deliver the voter-approved program.

In the 2003 session bills were introduced that would have codified subarea equity, costing the agency as much as \$131 million. Bills were also introduced that would have called for a revote on light rail and provide for a referendum on Sound Transit as a whole. All bills considered during the 2003 session revert to the highest order held in house of origin. For example, the utility relocation bill is in the Senate Rules Committee. Each of the bills the agency faced in 2003 is technically alive and is likely to reappear in the 2004 session.

7. Monitor coordination legislation that may affect Sound Transit projects.

There is growing interest in the legislature to introduce legislation directing coordination of transit agencies in the Central Puget Sound region. While Sound Transit welcomes greater coordination between systems, it will be important to monitor the proposed legislation to insure that it does not affect the agency's ability to deliver on projects and service.