

**SOUND TRANSIT BOARD MEETING****Summary Minutes****February 24, 2011****CALL TO ORDER**

The meeting was called to order at 1:47 p.m. by Chair Aaron Reardon, in the Ruth Fisher Boardroom, 401 South Jackson Street, Seattle, Washington.

**ROLL CALL**Chair

(P) Aaron Reardon, Snohomish County Executive

Vice Chairs

(P) Fred Butler, Issaquah Deputy Council President  
(P) Claudia Thomas, Lakewood Councilmember

Boardmembers

(P) Claudia Balducci, Bellevue Councilmember  
(P) Richard Conlin, Seattle Council President  
(P) Dow Constantine, King County Executive  
(P) David Enslow, City of Sumner Mayor  
(P) Jake Fey, Tacoma Councilmember  
(A) Paula Hammond, WSDOT Secretary  
(A) John Marchione, City of Redmond Mayor  
(P) Joe Marine, City of Mukilteo Mayor

(A) Pat McCarthy, Pierce County Executive  
(P) Joe McDermott, King County Councilmember  
(P) Mike McGinn, City of Seattle Mayor  
(P) Julia Patterson, King County Councilmember  
(P) Larry Phillips, King County Councilmember  
(P) Paul Roberts, Everett Councilmember  
(P) Peter von Reichbauer, King County Councilmember

Ms. Katie Flores, Board Coordinator announced that a quorum of the Board was present at roll call.

**REPORT OF THE CHAIR**

Chair Reardon noted that the Board was working from a revised agenda; Motion No. M2011-17 was added as item 9.H.

Boardmember Constantine requested to participate in the meeting by telephone. Board Rules and Operating Procedures allow members to attend meetings by teleconference. Procedurally, Board members' requests are acted on by motion prior to consideration of action items and require a 2/3 affirmative vote of the members who are physically in attendance.

**It was moved by Boardmember Marine, seconded by Boardmember McDermott, and carried by the unanimous vote of 14 members present that Boardmember Constantine be allowed to participate in the Board meeting by telephone.**

**CHIEF EXECUTIVE OFFICER'S REPORT**

Joni Earl, CEO reviewed impacts to Sound Transit service as a result of the snow. There were no impacts to Central Link or Tacoma Link. An afternoon Sounder train was added to accommodate early commuters who wanted to avoid the snow. Most of the interruptions were on ST Express and were due to icy road conditions.

Ms. Earl noted that the Memorandum of Agreement with the University of Washington and the Washington State Department of Transportation listed on the consent agenda is to implement the Montlake Triangle Project as part of the work related to the University Link project. At its February meeting, the Capital Committee forwarded the Agreement to the Board with a do-pass recommendation. The University of Washington Board of Regents approved the agreement on February 17, 2011.

Sound Transit will hold a ribbon cutting ceremony on February 3, 2011 for the new Kirkland Transit Center. Former Boardmember Mary-Alyce Burleigh will attend. The transit center includes a plaza, passenger shelters, landscaping, artwork and bicycle storage and is used for 580 bus trips every weekday. Bus service resumes on February 26, 2011.

Ms. Earl reported that the agency achieved 30 of the 37 2010 sustainability targets. The agency's Environmental and Sustainability Management System achieved re-certification to the international ISO 14001 Standard. Thirty-one targets have been set for 2011 and the Sustainability Program will be presented to the Board at a future meeting.

Ms. Earl presented the fourth quarter ridership numbers. In 2010, Sound Transit carried 22.8 million riders, an increase of four million from 2009. Central Link ridership accounts for most of the increase. Ridership in the fourth quarter of 2010 was 5% higher than the fourth quarter of 2009.

### Obayashi Claim Settlement

As part of the Link Initial Segment, Sound Transit constructed twin tunnels and a deep-mined station at Beacon Hill. The heavy civil underground construction contract represented the critical path for and was the most technically-challenging segment of construction. Sound Transit decided to use sequential excavations mining techniques for all the large openings associated with the deep station. In 2004, Sound Transit awarded the contract to Obayashi Corporation for approximately \$280 million.

During construction on the deep station, different geotechnical conditions were discovered within the footprint of the station. In particular, more sand deposits were discovered at the east end of the station platform and adjoining openings. Working with the contractor through series of value engineering and constructability reviews, Sound Transit decided to shift the station platform 88 feet to the west to position the underground openings in hard clay rather than the sand deposits. From summer of 2004 to the summer of 2009, staff worked with the contractor to complete construction of the twin tunnels and deep station. The Initial Segment opened on schedule in July 2009 and within the authorized contract amount. The contract is currently at \$312.6 million, including all approved change orders.

Sound Transit and the contractor were unable to resolve all disputes and claims associated with constructing the station and tunnels during the construction period. At the end of the contract the contractor submitted claims in the amount of approximately \$90 million. One of the key claims was associated with the sequential excavations mining work. Since the summer of 2009, Sound Transit and the contractor have held a series of meetings to discuss and attempt to resolve the issues. In December 2010, both parties agreed to proceed with non-binding mediation using a local mediator. In December, Sound Transit was able to successfully mediate all the claims and counter-claims within the authority provided by the Board. At the end of mediation, the parties agreed to proceed to draft a settlement agreement for one final payment of an additional \$28.5 million.

Ahmad Fazel, Executive Director of Design, Engineering and Construction Management reviewed the financial aspects of the settlement. In 2002, the Board approved the initial segment baseline budget at \$2.4 billion. \$2.261 has been committed and \$2.247 has been incurred to date. The final estimated cost at completion is approximately \$2.3 billion. In addition to this claim, there is one additional claim with RCI Herzog and additional expenditures related to noise issues. With all the contracts closed, staff anticipates the project will be completed under the \$2.4 billion budget.

## **REPORTS TO THE BOARD**

### Financial Report

The economy is showing signs of improvement and tax receipts show a modest improvement. Receipts through November 2010 are 5% below the 2010 budget. However, the revenues are only 1% below the August financial plan forecast that the program realignment is based on. The agency is paying close attention to rising prices in several key commodities that impact construction and operating costs. Information on commodities pricing and revenue data will be presented at a future Board meeting.

## Link Noise Quarterly Update

Jim Edwards, Deputy Executive Director of Design and Engineering, and James Irish, Deputy Director of Environmental Affairs & Sustainability, presented the Link quarterly noise update. For the past two years Sound Transit has worked to mitigate wheel squeal, train noise, crossover switch noise and warning bell noise in two areas, Rainier Valley and the Tukwila elevated guideway area.

Noise reduction methods in the Rainier Valley have had mixed success. Track lubricators were installed in areas with tight turns and have resulted in substantial reduction in squeal when functioning. Because they are solar powered, long periods of cloudy weather caused the devices to not have enough power. Sound Transit has been working with the contractor and the devices are currently functioning better. Efforts have been made to reduce noise caused by trains passing over two crossover switches in the Rainier Valley. Switch modifications have resulted in a minor three decibel reduction in noise levels. Wheel noise levels in Rainier Valley have been reduced through two rail grindings and a rail surface management program should be implemented to maintain the smooth surface. The noise from crossing bells has been reduced, and train bell volumes have been lowered between 10:00pm and 6:00am with good results.

Efforts in Tukwila have been very successful. A combination of rail grinding, track lubricators and a flexible noise barrier have reduced the level to within FTA criteria on the entire Tukwila segment. The noise has been reduced to well below the criteria in some areas.

Next steps in the Rainier Valley include installation of residential sound insulation in 165 residences. Additional work in Tukwila will take place to prepare annual monitoring reports and get concurrence from the City of Tukwila on the long term mitigation measures. Staff will request authorization in March to award a contract for an international rail expert to perform analysis of the existing rail conditions and provide recommendations for a long term maintenance program.

The information learned in the Rainier Valley and Tukwila is being applied to noise analysis work on future corridors including East Link and the North Corridor, the extension to Northgate and the extension to South 200<sup>th</sup> Street. A noise expert is required during final design to do final analysis and review the mitigation design that Sound Transit incorporates into projects. Design criteria has been developed to deal with curves, crossover locations and noise walls.

During the 2011 budget process, the Board asked Sound Transit staff to do a noise best practices peer review. The process is underway and includes an independent review of Sound Transit's review and mitigation of noise issues. APTA will facilitate and coordinate the peer review. The Board also requested a review of the audible safety systems used by Sound Transit. Sound Transit will hire a consultant to conduct a study about the extent and effectiveness of train notification bells and the effectiveness of non-audible devices for at-grade intersections. At the end of both processes, staff will present any new concepts and recommendations that were developed.

## **CITIZEN OVERSIGHT PANEL YEAR-END REPORT**

Paul Wiesner, Citizen Oversight Panel Chair, presented the panel's 2010 year-end report. The biggest impact in 2010 was the affect of the economy on Sound Transit's revenues. Sound Transit handled the situation with realism and foresight by suspending projects and containing operating costs. Sound Transit's highlights in 2010 include the agency reorganization, changes to the Board Committee structure, and increased focus on operational capacity, customer service, and transit-oriented development.

Mr. Wiesner reviewed areas the COP identified for further improvement. The East Link alignment was delayed by a year at the request of the City of Bellevue to provide time for further analysis. The COP commends the Board for continuing to keep the system needs of the region in mind. In 2009 and 2010 the cumulative revenue loss required reductions in the capital and operating programs. The 2009 the COP Operating Cost Task Force found that the Agency's management reports could be improved to more easily identify agency cost drivers. Improved cost reporting should be developed.

A new section in the year-end report focuses on Sound Transit's follow-up to items recommended by the COP in previous years. The COP will continue to monitor how well Sound Transit follows through with recommendations from past reports.

Boardmembers thanked the COP for its comprehensive report and for highlighting areas for improvement.

**PUBLIC COMMENT**

(Comments on file with the Board Administrator)

Robert Scheuerman  
Will Knedlik

**CONSENT AGENDA**

Minutes of the January 27, 2011 Board Meeting  
Voucher Certification for December 16, 2011 through December 31, 2011  
Voucher Certification for January 1, 2011 through January 15, 2011  
Voucher Certification for January 16, 2011 through January 31, 2011  
Motion No. M2011-11  
Motion No. M2011-12  
Motion No. M2011-10  
Motion No. M2011-13

**It was moved by Boardmember Enslow, seconded by Boardmember Marine, and carried by the unanimous vote of all members present that the consent agenda be approved as presented.**

**BUSINESS ITEMS**

Resolution No. R2011-01 – 1) Amending the Adopted Lifetime Budget for the ST Express Fleet Replacement project from \$136,690,077 to \$141,490,077 and 2) amending the Adopted 2011 Annual Budget for the ST Express Fleet Replacement project from \$22,705,465 to \$30,860,465.

Vice Chair Butler stated that a roll call vote would be taken because supermajority approval is required to amend the budget.

	<u>Ayes</u>	<u>Nays</u>
Claudia Balducci	Jake Fey	Larry Phillips
Fred Butler	Joe Marine	Paul Roberts
Richard Conlin	Joe McDermott	Claudia Thomas
Dow Constantine	Mike McGinn	Pete von Reichbauer
Dave Enslow	Julia Patterson	

**It was moved by Boardmember Enslow, seconded by Boardmember Roberts, and carried by the unanimous vote of fourteen Boardmembers present that Resolution No. R2011-01 be approved as presented.**

Motion No. M2011-04 – Authorizing the chief executive officer to execute a contract with Gillig Corporation to manufacture and deliver 24 forty-foot hybrid buses in the amount of \$16,160,000 with a 5% contingency of \$808,000, for a total authorized amount not to exceed \$16,968,000.

**It was moved by Boardmember Enslow, seconded by Boardmember Roberts, and carried by the unanimous vote of all Boardmembers present that Motion No. M2011-04 be approved as presented.**

Motion No. M2011-05 – Authorizing the chief executive officer to execute a contract with New Flyer Industries Inc. to manufacture and deliver 10 sixty-foot, high-capacity buses in the amount of \$7,765,000 with a 5% contingency of \$390,000, for a total authorized amount not to exceed \$8,155,000.

**It was moved by Boardmember Enslow, seconded by Boardmember Roberts, and carried by the unanimous vote of all Boardmembers present that Motion No. M2011-05 be approved as presented.**

Resolution No. R2011-02 – 1) Amending the Adopted Lifetime Budget for the D Street – M Street Track & Signal project from \$161,580,747 to \$161,280,747, 2) amending the Adopted Lifetime Budget for the Sound Transit Public Art Program from \$52,116,502 to \$52,416,502 and 3) amending the Adopted 2011 Annual Budget for the Sound Transit Public Art Program from \$910,000 to \$1,010,000.

Chair Reardon stated that the vote would be taken by roll call because supermajority approval is required to amend the budget.

	<u>Ayes</u>	<u>Nays</u>
Claudia Balducci	Jake Fey	Larry Phillips
Fred Butler	Joe Marine	Paul Roberts
Richard Conlin	Joe McDermott	Claudia Thomas
Dow Constantine	Mike McGinn	Aaron Reardon
Dave Enslow	Julia Patterson	

**It was moved by Vice Chair Butler, seconded by Vice Chair Thomas, and carried by the unanimous vote of fourteen Boardmembers present that Resolution No. R2011-02 be approved as presented.**

Motion No. M2011-14 – Authorizing the chief executive officer to execute a five-year contract with Brocade Communications Systems, Inc., to provide final design, equipment installation, configuration and training for a standardized network infrastructure in the amount of \$2,252,747, with a \$205,731 contingency, for a total authorized contract amount not to exceed \$2,458,477.

Michael Danon, Chief Information Officer, gave the staff presentation.

**It was moved by Boardmember Enslow, seconded by Boardmember Marine, and carried by the unanimous vote of all Boardmembers present that Motion No. M2011-14 be approved as presented.**

Motion No. M2011-15 – Authorizing the chief executive officer to dispose of 29 ST Express buses in a manner that is in the best interest of Sound Transit.

Dave Turissini, Bus Operations Manager, and Mr. Perry gave the staff presentation. Ms. Earl noted that Sound Transit will work with other transit agencies that might be interested in the buses before deciding whether to offer them at auction.

**It was moved by Boardmember Phillips, seconded by Boardmember McDermott, and carried by the unanimous vote of all Boardmembers present that Motion No. M2011-15 be approved as presented.**

Motion No. M2011-16 – Appointing Mr. Harold Wirch and Mr. Philip Lovell to the Citizen Oversight Panel for a term of four years beginning March 2011 and expiring March 2015.

Kathy Albert, Executive Programs Advisor, gave the staff presentation. Boardmembers thanked Mr. Wirch and Lovell for their willingness to serve on the COP. A news release and web based recruitment process began in December. Twenty-three people submitted applications. The applications are evaluated for experience in business management, financial management, public facilities and services, government processes, public policy development, engineering and large project construction management.

Mr. Lovell retired from Turner Construction after 37 years where he served as Vice President and Operations Manager. He has experience in large project construction, construction management, general contracting, consulting, and design-build and GC/CM projects.

Mr. Wirch is a licensed professional engineer. He retired from Snohomish County Public Works recently. Mr. Wirch has 36 years of experience with traffic engineering, traffic signal design, transportation planning, highway design, and land use review.

It was moved by Vice Chair Thomas, seconded by Boardmember Patterson, and carried by the unanimous vote of all Boardmembers present that Motion No. M2011-16 be approved as presented.

Motion No. M2011-17 – Authorizing the chief executive officer to amend a sole source contract with Trapeze Software Group, Inc. and Community Transit for software, data processing, testing and maintenance for the Sound Transit Web Redesign Program in the amount of \$68,240, for a total authorized contract amount not to exceed \$111,840.

Mr. Danon gave the staff presentation.

It was moved by Boardmember Enslow, seconded by Boardmember Marine, and carried by the unanimous vote of all Boardmembers present that Motion No. M2011-17 be approved as presented.

**EXECUTIVE SESSION**

None.

**OTHER BUSINESS**

None.

**NEXT MEETING**

Thursday, March 24, 2011  
1:30 to 4:00 p.m.  
Ruth Fisher Boardroom

**ADJOURN**

The meeting was adjourned at 3:35 p.m.



Aaron Reardon  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

APPROVED on March 24, 2011, KWF