



## Summary Minutes

**Board Meeting**  
**January 27, 2022**

### Call to order

The meeting was called to order at 1:34 p.m. by Chair Kent Keel in a Virtual Meeting via telephone and video conference.

### Roll call of members

Chair	Vice Chairs
(P) Kent Keel, City of University Place Councilmember	(P) Dow Constantine, King County Executive (P) Dave Somers, Snohomish County Executive

Board members	
(P) Nancy Backus, City of Auburn Mayor	(P) Roger Millar, WSDOT Secretary
(P) David Baker, City of Kenmore Councilmember	(A) Ed Prince, City of Renton Councilmember
(P) Claudia Balducci, King County Council Chair	(P) Kim Roscoe, City of Fife Mayor
(P) Bruce Dammeier, Pierce County Executive	(P) Dave Somers, Snohomish County Executive
(P) Cassie Franklin, City of Everett Mayor	(P) Dave Upthegrove, King County Councilmember
(P) Bruce Harrell, City of Seattle Mayor	(P) Peter von Reichbauer, King County Councilmember
(P) Debora Juarez, City of Seattle Council President	(P) Kristina Walker, City of Tacoma Councilmember
(P) Joe McDermott, King County Council Vice Chair	

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

### Report of the Chair

Welcome to new Boardmembers – Chair Keel welcomed the two new Boardmembers, Everett Mayor Cassie Franklin and Seattle Mayor Bruce Harrell.

Mayor Franklin thanked Chair Keel for the warm welcome and commented she is looking forward to working with the Board on the regional transit system.

Mayor Harrell thanked Chair Keel and the Board for the welcome, and commented that he has been watching the work of the agency with interest and respect. Mr. Harrell also commented he is looking forward to working collaboratively with staff and the Board on the needs of the City of Seattle and the broader region.

### CEO Report

CEO Peter Rogoff provided the report.

Concrete Strike – Since the strike began Sound Transit missed pouring more than 14,000 cubic feet of concrete, which equated to concrete truck shipments that would span more than nine miles if lined up. The agency continues to work in coordination with other public agencies to renew talks between the union and the companies which have currently stalled.

State Update – The state legislature is in its third week of session. Earlier this week, Director of State Relations Alex Soldano testified on a bill sponsored by Senator Rebecca Saldaña that would allow our agency to directly contact tow companies when vehicles are obstructing our right-of-way or posing a

public safety risk. The hearing went very well, and Alex was joined by more than a dozen other individuals unanimously expressing support for the bill. Staff are now working to encourage a vote in the committee to advance this legislation. Over the last week, optimism has grown at the possibility of a successful transportation agreement and it is important that legislators not forget about the importance of Sound Transit's contributions to improving mobility in the Puget Sound, climate change and equity.

Update on Washington State Supreme Court case – The Washington State Supreme Court will hear a case in February arising from a Snohomish County Deputy Sheriff's boarding a bus to check fares. The issue in the case is the extent to which law enforcement officers may conduct fare checks and detain a person to identify them if they do not show proof of fare payment and refuse to provide ID.

Because of the unique facts of the case, and because law enforcement officers do not conduct fare checks on Sound Transit buses and trains, the case should not impact the agency's ability to continue to conduct fare checks with fare ambassadors as it does now.

Delay of the next Rider Experience and Operations Committee meeting – Staff is working with the members of the Rider Experience and Operations Committee to find a time for the next meeting, and it will be published as soon as possible.

Follow-up on the November 26 Link Incident – Mr. Rogoff continued with a follow up on the November 26 incident following the Apple Cup game at Husky stadium, during which Sound Transit experienced a series of events with Link light rail operations that was profoundly impactful to passengers on multiple levels.

The incident started with the near complete disablement of a light rail train, leaving passengers sitting in crowded and dark conditions in one of the new tunnels beneath UW. After several minutes, passengers started self-evacuating from the train using emergency exits, and for safety reasons the agency had to suspend normal Link operations across the entire system.

At that point, passengers already deserved a hearty apology for what had happened. But unfortunately, further unacceptable service to passengers continued. People who were accumulating at stations waiting for trains were not informed of what was happening, and how it would impact their travel. It wasn't until more than an hour and a half later that we issued a first rider alert, which didn't include complete information.

The only positive things about the performance on that day were that staff took action to stop normal service so no one was hurt, and the agency has an important opportunity to learn from and act on failures.

The upcoming REO Committee presentation on the following audit and remedial investigation will cover not only what happened, but the responsive actions staff have undertaken to date and further work ahead. When a public agency makes mistakes, it's a responsibility to not only apologize but to analyze them and respond comprehensively. Our staff is committed to offering a comprehensive update with plans to avoid a similar failing.

External Engagement Highlights/Public Hearing on Covenants – Earlier today the Board received a monthly External Engagement report which summarizes some of the engagement work underway across the region.

Mr. Rogoff highlighted a recent public hearing that was held for the Federal Way Link Extension. A public hearing was held on January 19 on the proposed removal of Use Restrictions on properties between S 211th street and S 216th Street in Sea Tac related to the project. Kimberly Farley presided over the public hearing that was attended by four members of the public. Two attendees provided public comment and provided feedback that the process is somewhat confusing and a request that Sound Transit resend the original documents that were sent to all property owners. Staff committed to follow up

with all commentors and provide additional information, which Sound Transit Real Property and Community Engagement has done. The public hearing was also an opportunity to inform people near the alignment on how the project is progressing and the construction impacts they can expect over the next few months.

Service Planning – As the Board has been made aware, Sound Transit's 2022 Service Plan focused on achieving service parity across region and responds to continued growth and ridership trends in the South Corridor. This involved increasing ST Express service in Tacoma & Federal Way to every 15 mins all-day including weekends to match service levels on routes serving East King, North King and Snohomish Counties

Operator availability, a challenge industry-wide, has continued to impact the amount of service the agency is able to deliver. Staff have observed an increase number of missed trips for all partners who operate ST Express service. As a result, Sound Transit will be implementing service reductions in March for Community Transit operated ST Express service.

This is in addition to reductions staff made in November 2021 on Pierce Transit ST Express bus services, which staff had already informed the Board about. As a result, for the time being Sound Transit is continuing to run reduced service in the South Corridor instead of increasing service on this equity priority area as was originally planned

In order to mitigate these equity impacts, staff has worked collaboratively to transfer ST Express route 566 from Pierce Transit to King County Metro. This partnership between operating partners has allowed staff to minimize further service reductions in the South Corridor. This transfer is scheduled to go into effect at the March service change.

Sound Transit is still on track to restore two Sounder South trips in March. And Link continues to operate at approximately 8 minute peak headways, and 10 minutes during the off peak. Staff will continue to monitor the situation and work with operating partners to understand the scope and duration of these shortage. At the February Board meeting staff will provide more details around the impact of the ongoing pandemic on staffing levels, and the effects on service.

Sustainability Targets – In 2021 the agency completed 27 out of 37 or 73% of its sustainability targets – from launching the agency's Efficiency and Sustainability Program for staff-led research on new technologies to developing guidelines for conducting climate vulnerability assessments on capital projects to ensure resiliency.

Progress was made for all targets in 2021. Last year's target completion reflects the ambitious nature of the agency's sustainability program, the shifting priorities during the Project Realignment process and the challenges of working during a pandemic, from staffing shortages at partner cities and state agencies to supply chain issues.

For 2022, departments across the agency will be working to implement 36 new sustainability targets, all working to meet the short and long-term goals of the agency's sustainability plan. Mr. Rogoff thanked Amy Shatzkin for her work supporting Sound Transit's sustainability efforts, and also congratulated her for being selected to chair the APTA Sustainability Committee.

#### Human Traffic Awareness/ST efforts to partner with BEST

Lastly, Mr. Rogoff updated the Board on efforts to fight human trafficking, an urgent matter that, unfortunately, often relies on mass transit. According to a study conducted by Polaris, 63% of human trafficking victims surveyed reported using mass transit during their exploitation and 26% reported that public and mass transportation played a role in at least one of their exit attempts.

In response to the human trafficking crisis in King County, where there are an estimated 500-700 sex trafficked youth, Sound Transit partnered with the non-profit group BEST, Businesses Ending Slavery and Trafficking, in 2020.

BEST helped staff create a South Transit employee handbook, an anti-human trafficking policy, which was adopted last March, and helped staff create response protocols for Sound Transit staff who may encounter a potential human trafficking situation. Sound Transit finalized its response recommendations in December 2020.

BEST provided 2 live trainings to Sound Transit staff and also licensed an online training. As of mid-December 16, 2021, 854 Sound Transit staff and contractors have completed the online training. Both the live training as well as the online training detail ways to spot human trafficking and help prevent it. BEST will hold three additional live trainings for Sound Transit staff through March 2022.

BEST also worked with Sound Transit to create specific training for Sound Transit law enforcement personnel. All Sound Transit Police have completed this training. Sound Transit is working on rolling this training out to security staff as well. Finally, Sound Transit partnered with BEST on a statewide poster campaign called "Not Alone," which helps victims of human trafficking get access to services by directing them to call the National Human Trafficking Hotline.

Boardmember Dammeier commented that he appreciates the awareness and work in the arena of human trafficking, and noted that Pierce County has been taking similar steps to intervene on this serious issue.

## **Public Comment**

Chair Keel announced that the Board was accepting public comment via email and verbally through the virtual meeting platform.

The following people provided written public comment to the Board:

Cascade Bicycle Club, Disability Mobility Initiative, Disability Rights Washington, Downtown on the Go, Move Redmond, Northwest Immigrant Rights Project, Real Change, Transit Riders Union, and Transportation Choices Coalition  
Joyce Hengesbach

The following people provided verbal public comment to the Board:

Joyce Hengesbach  
Betty Lau  
Paul Wu

## **Consent Agenda**

Voucher Certification: December 2021

Minutes of the December 16, 2021 Board Meeting

Motion No. M2022-01: Authorizing the chief executive officer to execute a betterment agreement with Community Transit to reimburse Sound Transit for its actual costs, currently estimated at \$21,858, to modify the design and construction of concrete pads at Swift stops at the Shoreline North/185th Station as part of the Lynnwood Link Extension.

Motion No. M2022-02: Authorizing the chief executive officer to grant a permanent easement to the owners of Tax Parcel Number 0921049214 in Federal Way, Washington, also known as FL345, for the purpose of constructing, operating, maintaining, repairing, and replacing a sanitary sewer line and all necessary appurtenances thereto.

Motion No. M2022-03: Authorizing the chief executive officer to grant permanent easements to Puget Sound Energy to construct, operate, maintain, repair, replace, improve, remove, upgrade and extend one or more utility systems for purposes of transmission, distribution and sale of electricity.

Motion No. M2022-04: Authorizing the chief executive officer to grant permanent easements to the owners in King County tax parcel 250060TRCT, a private road in Des Moines, Washington, also known as FL183.1, so that grantees and their licensees, tenants, and invitees may use the easement for the purpose of vehicle and pedestrian access.

**It was moved by Boardmember Backus, seconded by Boardmember Dammeier, and approved by the unanimous consent of the 16 Boardmembers present to approve the Consent Agenda as presented.**

## **Business items**

Motion No. M2022-05: 1) Authorizing the chief executive officer to execute a construction agreement with the Washington State Department of Transportation for the design-build delivery of the I-405/NE 85th Street Interchange and In-line Freeway Station for the I-405 Bus Rapid Transit Project, in the amount of \$271,000,000 with a 6 percent contingency of \$16,260,000 for a total authorized agreement amount not to exceed \$287,260,000 and 2) approving present-value Land Bank credits as reimbursement for fish passage correction in an estimated amount of \$7.1 million included in the amount authorized, that may be paid to mitigation fund in lieu of reconstruction of fish passage at this interchange.

Bernard van de Kamp, Program Executive, and Paul Cornish, Strategic Programs Director, provided the staff presentation. Mr. van de Kamp began by providing context of the STRIDE program, which will be comprised of 45 miles of planned service and a maintenance facility. The program will provide high-capacity transit to over a dozen cities, and will be a new line of business for Sound Transit. Building out the STRIDE program will require permits from a dozen local jurisdictions, state and federal agencies, and close coordination with numerous utilities and critically the Washington State Department of Transportation (WSDOT). The timeline for the STRIDE program is very aggressive, and the program is currently affordable under the Board's adopted realignment program.

The Adopted 2022 Budget allocated the needed funds to continue to build out this program and position it for success. Today's action is to approve to seek Board approval of the NE 85th station design-build construction funding agreement with WSDOT. Unfortunately, there was lost time during the Board's realignment process, and staff is continuing to refine the schedule seek opportunities to recoup this schedule loss. Staff is working hard to advance critical work that can inform the Board ahead of it's baselining later this year, including initial right of way acquisitions, third party funding agreements, final design processes, and project to be built alternatives.

The action being considered is critical to allow for the planned opening of the NE 85th street interchange station in 2026, and any delay could impact that target timeline. Mr. Cornish outlined the proposed project and displayed renderings of the completed station. Key project elements include an in-line transit platform pair and pull out, pedestrian and bike access, a passenger pick up and drop off, new stops for local transit service, and Express Toll Lane direct access ramps at the middle level of a new I-405 and NE 85th Street interchange.

**It was moved by Boardmember Balducci and seconded by Boardmember Baker that Motion No. M2022-05 be approved as presented.**

Boardmember Balducci added her personal recommendation for approval of the action. The project was part of the short list of items that was ready to go and delayed due to the work on program realignment.

Boardmember Baker supported the action, noting that the project would be a great asset to the north I-405 corridor.

Boardmember Dammeier asked that staff take lessons learned and best practices to implement across the whole program.

Boardmember Millar noted that this project would move more people through the corridor without adding lane capacity, which he supported.

Chair Keel voiced concerns at the System Expansion Committee meeting and thanked staff for addressing those questions during this presentation. He suggested that since this project was one of the first moving forward following program realignment, it would be a good example to set for projects coming after.

**Chair Keel called for a roll call vote.**

**Ayes**

Nancy Backus  
David Baker  
Claudia Balducci  
Dow Constantine  
Bruce Dammeier  
Cassie Franklin  
Bruce Harrell  
Debora Juarez

**Nays**

Joe McDermott  
Roger Millar  
Kim Roscoe  
Dave Somers  
Dave Upthegrove  
Pete von Reichbauer  
Kristina Walker  
Kent Keel

**It was carried by the vote of 16 Boardmembers present that Motion No. M2022-05 be approved as presented.**

Motion No. M2022-06: Updating committee chairs, vice chairs and members for 2022.

Chair Keel explained that the motion would make some changes to Committee Chairs and members for 2022, including: appointing Boardmember Somers as vice chair of the Executive Committee and adding Bruce Harrell and Cassie Franklin as members; Appointing Boardmember Walker as the chair and Boardmember Prince as vice chair of the Rider Experience and Operations Committee, and adding Boardmember Roscoe and the future Boardmember from Snohomish County to the committee; shifting Boardmember Upthegrove to the Rider Experience and Operations Committee from the System Expansion Committee and likewise with Boardmember McDermott in the opposite direction; adding Boardmembers Harrell, Somers, and Franklin to the System Expansion Committee; Adding Boardmember Walker and the future Snohomish County Boardmember to the Finance and Audit Committee; and finally, appointing Boardmember Somers as vice chair of the CEO Selection Committee.

**It was moved by Boardmember Backus and seconded by Boardmember Balducci that Motion No. M2022-06 be approved as presented.**

Chair Keel called for a roll call vote.

**Ayes**

Nancy Backus  
David Baker  
Claudia Balducci  
Dow Constantine  
Bruce Dammeier  
Cassie Franklin  
Bruce Harrell  
Debora Juarez

**Nays**

Joe McDermott  
Roger Millar  
Kim Roscoe  
Dave Somers  
Pete von Reichbauer  
Kristina Walker  
Kent Keel

**It was carried by the vote of 15 Boardmembers present that Motion No. M2022-06 be approved as presented.**

## **Reports to the Board**

### Report on Fare Compliance Work

CEO Rogoff advised that staff was working on finding a time for a fares workshop and asked Boardmembers to attend if possible once a time was selected.

Since 2016, farebox recovery rates have continued to decline as operating costs have increased. Fares have not changed since 2015. In addition, fare compliance rates had declined since 2019.

Farebox recovery targets were established in the Board's fare policy and have not reached the 40 percent target, though they approached it in 2017. The hope was that the target would be achieved after the opening of the Northgate Link Extension stations, however that was prior to the onset of the COVID 19 pandemic.

Operating costs have continued to grow driven both by increased system size and purchased transportation from partner agencies. Employers paid half of fare revenue in the region, however systemwide ridership is down by 45 percent since 2020 and the working landscape is still very uncertain for the future.

The long term financial plan assumes that farebox recovery would account for 27 percent of operating costs. The agency has fallen precipitously lower than that number due to impacts of the pandemic, and will need time for ridership to recover as commuting patterns return over time, but there is also uncertainty surrounding the prevalence of hybrid work forces and the changes to employer paid ORCA fares. The cost of fare collection makes up for roughly eleven percent of farebox recovery.

The fare evasion rate, which is compiled from two sources, has skyrocketed in the last two years. This rate is compiled from data collected by fare ambassadors, as well as observed data from boarding numbers compared to payments through taping and paper tickets. These methods are subject to error, with the actual fare evasion rate likely falling in between the two data collection estimates.

CEO Rogoff transitioned to a presentation on the Equitable Fare Compliance Policy. He reviewed the fare compliance vision and outcomes: A system where everyone taps – where everyone who has fare media can get to where they want to go, and everyone who needs fare media can access it. He assured the Board that the agency's focus on equity would not be restrained by the need to collect revenue or the farebox recovery targets.

Russ Arnold, Chief Passenger Experience and Innovation Officer, reviewed all of the work which has informed the proposed policy. To date, staff has enhanced training programs, ceased the practice of contacting law enforcement, changed uniforms and names of fare compliance, and made fare ambassadors Sound Transit employees. Upcoming actions include enhancing the fare paid zone to be more clear to passengers, and expanded education programs for ORCA and ORCA Lift.

He reviewed the Fare Ambassador pilot program thus far and some of the initial positive results. Fare ambassadors began with several weeks of training, and then began fare checks on October 11, 2021. The ambassadors are on duty seven days a week for 16 hours a day. Some concerns exist however, which include low rates of passenger identification, higher time of engagement, and low retention rates.

Sound Transit employed a deliberate equity analysis approach to reviewing this new policy proposal. CEO Rogoff identified some recommendations which would include clarity on access to fares, the number of warnings issued, updated fine amounts, alternatives to suspension, the role of law enforcement, and fare simplification and reduced confusion.

Regarding access to fares, CEO Rogoff suggested expanding the timeline for Sound Transit's participation in the King County Annual subsidized pass program. He also suggested reducing ORCA LIFT and youth fares from \$1.50 to \$1.00. The enrollment rate in ORCA LIFT has been lower than desired. The agency would need to work with municipalities, school districts, and possibly the state to finance ORCA cards for youth.

Mr. Arnold explained that staff would recommend increasing the number of warnings passengers can receive on a rolling 12 month basis from one to two before action is taken. Fines would be reduced to \$50 for the third interaction and \$75 for the fourth interaction, with multiple resolution options available for both. Resolution opportunities would include participation in engagement or educational activities, loading fines onto an ORCA card to allow continued ridership on the system, or a signed commitment to tap in the future. Passengers would be able to dispute fines, and the above actions would also include outreach and education about ORCA Lift.

Following a fifth interaction, staff suggested referring the incident to the municipal courts. Mr. Arnold then reviewed similar agency comparisons. CEO Rogoff advised that the agencies used as comparisons operated in a similar non-turnstile manner. Mr. Arnold then outlined estimated numbers of warnings. CEO Rogoff warned that this used 2019 data, which was the only reliable, non-pandemic era data the agency had. It was not certain that the world would return to 2019-ridership trends.

CEO Rogoff suggested that the Board establish a goal for ORCA LIFT and annual subsidized pass to reach 80 percent of those eligible over a multi-year period. A fully funded communications campaign would be necessary to reach that target, in addition to doubling the fare ambassador program to increase in-system passenger engagement. Additional options for consideration would be to expand ORCA LIFT eligibility above the 200 percent federal poverty level, extending the qualification from two to three years, or working with enrolling agencies to automatically enroll and deliver reduced fare media to those eligible to reduce barriers to entry.

To be able to evaluate whether the policy recommendations were effective, staff recommended a quarterly metric reporting at the Rider Experience and Operations Committee.

Boardmember Juarez asked whether legal counsel would be present at the upcoming fares workshop. She raised the question because the Washington State Supreme Court case was still undecided, and the decision would affect much of the agency's practices. CEO Rogoff assured the Board that Desmond Brown, the agency's Chief General Counsel, would be present at the workshop. He advised that the suite of recommendations would have follow-on actions for other committees as well, depending on the final policy.

Boardmember McDermott advised that it was important that the Board reflect on the reasons for this policy work, which were an inequitable effect on people of color. He advised that he supported that the proposal removed the courts from the process and removed police from the process. He wanted to continue the positive work, but recognized the good work done to date.

Boardmember Balducci agreed that a workshop was a good way to discuss fares. An additional benefit of the Fare Ambassador program was that riders would feel more welcomed to the system. She asked if there was a way to measure that impact. CEO Rogoff advised that there was positive feedback from riders to the Fare Ambassadors. It would be difficult to measure the reason for people's comfortability with riding, though. He clarified that Sound Transit has never been involved with immigration enforcement, but that clarity and distinction has been received well by the public.

Boardmember Harrell asked how the agency was looking at emerging technology to implement its policies. CEO Rogoff explained that fare engagement handheld tools were improved, but he welcomed invitations to meetings with the city of Seattle's contacts.



## West Seattle and Ballard Link Extensions Update

Cathal Ridge, Executive Corridor Director, provided the presentation. He clarified that this presentation was for information only and no action was required by the Board today. The West Seattle and Ballard Link Extensions (WSBLE) project will expand Link light rail transit service from downtown Seattle to West Seattle's Alaska Junction neighborhood, and to Ballard's Market Street area.

The project corridor is approximately 11.8 miles long and is part of the Sound Transit 3 Plan (ST3) of regional transit system investments, approved for funding by voters in the region in 2016. The mode and corridor served for the proposed project were identified through the years-long planning process for the Sound Transit Regional Transit Long-Range Plan and ST3 Plan.

The project is currently in the planning process, and the Draft Environmental Impact Statement is currently being researched based on the Board selected preferred alternatives from October 2019. The Environmental Impact Statement (EIS) is anticipated to be published in 2023 after further work this year and refinement of the preferred alternatives.

Mr. Ridge reported that public comment on the Draft EIS would begin on January 28, 2022, and will continue through April 2022. He continued that there are several Community Advisory Groups which are meeting monthly and providing regular feedback on important alternative decisions. There will be several opportunities for in person engagement on the Draft EIS as well as an ongoing public open house. A mailer has been sent out to 130,000 residences on the alignment inviting engagement from the public.

Mr. Ridge outlined the current draft EIS alternatives being studied, showed current route maps, and explained several of the metrics being used for analysis, and explained the various nuances of the route alternatives as there are many complex variables being used to illustrate the trade offs and analysis.

Boardmember Backus asked for a staff guided "field trip" along the alignment. CEO Rogoff advised that staff would happily work with Boardmembers to set up tours.

Boardmember Constantine noticed that benefits of each alternative were absent from the presentation and asked for those to be considered. Boardmember Balducci asked for additional performance information similar to Boardmember Constantine.

Boardmember Franklin asked for information on how the alternatives would impact and interact with the rest of the system.

Boardmember Dammeier commented worry that expectations would be created through public engagement that the agency could not afford. He suggested developing strategies to engage the community while keeping expectations realistic. He also was concerned about the overall impact of individual alignment decisions which may not be the most beneficial. He also asked for information on delivery time for each alternative.

Boardmember McDermott welcomed Boardmembers to tour West Seattle, and commented that the residents of West Seattle and Ballard are incredibly eager to have access to the regional system.

Chair Keel commented that the Board has an incredible amount of work before it to balance the needs of the region, and the capability and responsibility of the agency to deliver projects. He further commented that the project costs must be kept under clear expectations and possibility in the light of realignment and the needs of the region as a whole.

## **Other business**

None.

## Next meeting

The next regular Board meeting would be held on Thursday, February 24, 2022, 1:30 to 4:00 p.m. as a virtual meeting via WebEx.

## Adjourn

The meeting adjourned at 4:08 p.m.



Kent Keel  
Board Chair

ATTEST:



Kathryn Flores  
Board Administrator

APPROVED on February 24, 2022, AM.