



Legislation Text

File #: 2008-0584, **Version:** 2

Clerk 10/14/2008

AN ORDINANCE making a net supplemental appropriation of \$11,396,260 for the operation of transit, the department of transportation director's office, transit revenue vehicle replacement, public transportation capital improvement program, and public transportation construction fund, for the fiscal biennium beginning January 1, 2008, and ending December 31, 2009; and amending the 2008/2009 Biennium Budget Ordinance, Ordinance 15975, Sections 109, 110, 111, 136 and 137, as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: The council makes the following findings of fact:

A. King County provides public transportation services to residents of the county who expect that the resources provided for public transportation will be used responsibly to provide the maximum amount of transit service.

B. To maintain sufficient cash flow and provide a reserve for emergency costs, the transit division maintains minimum cash balances in the public transportation operating subfund equal to approximately one-twelfth of the annual operating budget.

C. To ensure that each of its bus and van fleets is replaced at the optimal time, the transit division maintains a revenue fleet replacement fund with sufficient cash reserves.

D. King County Metro Transit derives approximately sixty-two percent of its annual revenues from the transit local option sales and use tax.

E. In November 2006, the voters of King County authorized a dedicated one-tenth of one percent sales tax to support specific categories of "Transit Now" investments, including new service to be implemented in yearly increments through 2016. With adoption of the "Transit Now" measure, the Metro Transit sales tax is now levied at the maximum rate authorized by state law.

F. Unforeseen increases in fuel costs and substantially lower sales tax revenue projections due to a slowing world and local economy have created a gap between revenues and expenditures in the transit financial plan totaling ninety million dollars in the 2008-2009 biennium and ninety million dollars annually thereafter.

G. Uncertainty over gasoline prices, traffic congestion and environmental concerns have combined to increase demand for public transportation to record levels.

H. At a time of heightened demand and reduced resources, maximizing transit service in a fiscally responsible way is Metro Transit's highest priority.

I. Expenditure reductions in current and future transit budgets necessary to minimize the use of financial reserves and fully fund the revenue fleet replacement fund should ensure that existing service and planned "Transit Now" service improvements will continue.

J. To support this long-term goal of maximizing transit service with available resources, the county should conduct a thorough review of its transit program to prioritize those expenditures most closely linked to the provision of service.

K. Existing revenues are not sufficient to meet current and future demand for public transportation. King County must work with the state of Washington and the federal government to obtain additional revenue sources and should expand on its recent success in developing partnerships with cities and other entities.

L. Transit fare increases, enacted in a companion ordinance, are a necessary part of the strategy to achieve the long-term goal of maximizing transit service with available resources. The fare increases are consistent with the county's longstanding transit financial policy goal establishing as a target that operating revenue should defray approximately twenty-five percent of operating expenditures.

M. Last year, the council approved a 2008-2009 biennial budget for the transit division and the department of transportation director's office, the county's first biennial budget. Unlike other parts of the 2009 county budget, modifications to the transit division and department of transportation director's office budget are included in a separate midbiennium supplemental ordinance.

N. Given the twin crises of revenues and expenditures facing the transit division and the road services division, the highest priority for the director's office in 2009 is leadership on funding issues. The council requires the director to develop a strategy to identify grant funding and other revenue sources for county transportation priorities including the South Park bridge and other county road needs, as well as public transportation. The council also requires the director to transmit a business case for the office that advance the highest priority of the department and engages our regional partners in responding to the current challenges. Finally, given the director's participation in planning for the Alaskan Way viaduct, the council requires an independent review of the options for viaduct replacement.

SECTION 2. From several funds there is hereby approved and adopted a total of \$11,396,260 for the operation of transit, the department of transportation director's office, transit revenue vehicle replacement, public transportation capital improvement program, and public transportation construction fund for the fiscal biennium beginning January 1, 2008, and ending December 31, 2009.

SECTION 3. The following appropriations for the operation of transit, the department of transportation director's office, transit revenue vehicle replacement, public transportation capital improvement program and public transportation construction fund, sections 109, 110, 111, 136 and 137 of the 2008/2009 Biennium Budget Ordinance, Ordinance 15975, shall not lapse until December 31, 2009, as they encompass a twenty-four-month budget.

SECTION 4. Ordinance 15975, Section 109, as amended, is hereby amended by adding thereto and inserting therein the following:

TRANSIT - From the public transportation fund for the 2008/2009 biennium there is hereby

appropriated to:

Transit \$10,987,197

The maximum number of additional FTEs for transit shall be: (19.38)

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$300,000 shall be used only for a transfer to the general fund to support a transit performance audit conducted by the county auditor.

ER2 EXPENDITURE RESTRICTION:

Of this appropriation, \$700,000 shall be expended only to support an operations and management audit of the transit division conducted by the county auditor.

ER3 EXPENDITURE RESTRICTION:

Of this appropriation, \$378,000,000 shall be expended solely to continue operating the current 3.5 million annual hours of transit and to add at least 105,056 annual hours of new service.

ER4 EXPENDITURE RESTRICTION:

Of this appropriation, \$250,000 may be expended solely in support of the Central Waterfront Tri-Agency planning process.

P1 PROVIDED THAT:

The transit division shall not enter into or authorize its contractor to enter into any new agreements, or extend any such existing agreements for exterior bus advertising that involve covering any portion of a bus side window.

P2 PROVIDED FURTHER THAT:

Of this appropriation, no funds shall be expended on any of the 28,000 annual hours of bus service included in the SR520 Urban Partnership Initiative until the executive transmits and the council adopts by motion a public transportation fund financial plan demonstrating how that service would be funded without using King County's transit local option sales tax revenues or fare revenues from any other King County Metro

service.

Eleven copies of the plan should be filed with the clerk of the council who will keep the original and forward a copy to each councilmember and the lead staff to the transportation committee, or its successor.

P3 PROVIDED FURTHER THAT:

Of this appropriation, \$500,000 shall not be encumbered or expended unless by January 29, 2009, the executive has transmitted a 2009 transit fare policies update that includes an analysis of student transit issues and other categories of discounted fares and provides recommended policies on student and other discounted fares and passes.

The policies update must be filed in the form of 12 copies with the clerk at the council who shall retain a copy and forward a copy to each councilmember and to the lead staff of the regional transit committee and the lead staff of the transportation committee, or their successors.

P4 PROVIDED FURTHER THAT:

Of this appropriation, \$500,000 shall not be encumbered or expended until the executive has transmitted a 2009 transit comprehensive plan update that includes an evaluation of the use of ride-free areas within King County. This evaluation shall address jurisdictional equity, cost recovery and growth management issues.

If the 2009 transit comprehensive plan update is not submitted to the council by February 28, 2009, then the executive shall submit a separate report evaluating the use of ride-free areas in King County. Submittal of this report shall satisfy the transmittal requirement of this proviso.

The report must be filed in the form of 11 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the lead staff for the regional transit committee, or its successor.

P5 PROVIDED FURTHER THAT:

Of this appropriation, \$2,500,000 shall be used for operating and capital programs in the first quarter of 2009. During that time, the division shall be engaged in structural business and operations planning to address

the reduced revenue environment resulting from sales tax revenue declines. In the first quarter of 2009, the transit division shall provide the council with monthly reports on the status of these efforts.

SECTION 5. Ordinance 15975, Section 110, as amended, is hereby amended by adding thereto and inserting therein the following:

DOT DIRECTOR'S OFFICE - From the public transportation fund for the 2008/2009 biennium there is hereby appropriated to:

DOT director's office	\$520,580
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The maximum number of additional FTEs for dot director's office shall be:	0
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ER1 EXPENDITURE RESTRICTION:

Of this appropriation, no funds shall be expended or encumbered for the administrative staff 1.0 FTE added in the 2008-2009 biennium budget.

Further, of this appropriation, no more than \$613,846 may be expended on those activities currently performed by the regional planning unit.

P1 PROVIDED THAT:

Of this appropriation, \$500,000 shall not be expended or encumbered until the council reviews and accepts by motion, a plan to construct a pedestrian walkway from the Pacific Cascade Freshman Campus School to Klahanie SE/252nd Avenue SE. The plan shall include a description of the scope of work, an itemized engineer's estimate, and a schedule that indicates project completion in 2008 or substantive reasoning as to why the project cannot be completed in 2008. Under any scenario, the project schedule shall indicate a completion date not later than June 30, 2009. If the report is not filed by April 1, 2008, the appropriation authority for the \$500,000 restricted by this proviso shall lapse.

The plan required to be submitted by this proviso must be filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the

transportation committee, or its successor.

P2 PROVIDED FURTHER THAT:

Of this appropriation, \$250,000 shall be expended solely for the costs of an expert review panel to develop an independent analysis of the results of an environmental impact review process of central waterfront segment replacement options for the Alaskan Way viaduct. This analysis shall evaluate the mobility impacts of the options and the county's ability to provide transit services assumed in each option. Panel membership shall be limited to experts who have published in a national trade journal and have the skills to evaluate mobility impacts and transit functionality and the county's ability to provide transit services assumed in each option. Panel members must have expertise in transit operations, commuter services/demand management or transportation and nonmotorized system planning. The expert review panel will consist of five members recommended from a list provided by the county auditor and to be appointed by the executive and confirmed by the council, by motion. The executive is encouraged to seek financial contributions for the panel costs from the state, the city of Seattle, and other stakeholders.

The executive shall transmit, within 60 days after the governor recommends alternatives for the Environmental Impact Statement, a plan to provide staff support for the expert review panel and a motion approving this plan and appointing members of the panel. The plan and motion must be filed in the form of 11 copies with the clerk of the council, who shall retain the original and forward copies to each councilmember and to the lead staff for the transportation committee or its successor.

P3 PROVIDED FURTHER THAT:

Of this appropriation, \$100,000 shall only be expended after the council has approved by motion a report on transportation grant priorities for the county and the staff resources devoted to ensuring that grant applications are directed to the highest priority road and transit projects and programs, including the South Park bridge. This report shall include:

1. explanation of the department's strategy for obtaining the additional funding needed to construct the

South Park Bridge roads capital project:

2. prioritized list of current potential grant applications for 2009 grant competitions and grantmaking agencies' budget deliberations;
3. list of successful and unsuccessful grant applications for the past five years with an explanation of how each grant advances the county's highest transportation priorities;
4. detailed organizational chart identifying all FTEs who work on grant applications; and
5. explanation of how the director's office grant support staff work with the roads divisions' grant support staff and the county's federal and state advocacy staff. The report shall explain how grant applications consider life-cycle costs and operational expenditures resulting from capital grants.

Appropriation authority for this \$100,000 shall lapse if the report and proposed motion have not been transmitted by April 1, 2009.

The report and proposed motion must be filed in the form of 12 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the lead staff for the transportation committee, or its successor and to the lead staff of the capital budget committee, or its successor.

P4 PROVIDED FURTHER THAT:

Of this appropriation, \$50,000 shall not be expended or encumbered until the council receives and approves by motion a report on the progress toward construction of a pedestrian walkway from the Pacific Cascade Freshman Campus School to Klahanie SE/252nd Avenue SE. The report should be transmitted no later than October 18, 2009.

The report must be filed in the form of 11 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the transportation committee, or its successor.

P5 PROVIDED FURTHER THAT:

Of this appropriation, \$90,000 shall be expended only after the executive transmits an annual report and a motion to approve the report, regarding executive directed federal lobbying efforts including previous year

results and planned lobbying efforts.

The annual report and proposed motion shall be transmitted by January 31, 2009 and approved by council motion.

The report and proposed motion must be filed in the form of 11 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the committee of whole, or its successor.

P6 PROVIDED FURTHER THAT:

Of this appropriation, \$50,000 shall be expended only after the executive shall transmit a business case for the director's office that demonstrates in detail the extent to which the activities of the director's office support and advance the missions of each division within the department of transportation and, as well, address the critical transportation needs of King County. The business case will address, but not be limited to grant program plans, transit oriented development and other regional planning functions.

The business case shall be transmitted by March 31, 2009, and approved by council motion.

The business case must be filed in the form of 11 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the transportation committee, or its successor.

SECTION 6. Ordinance 15975, Section 111, as amended, is hereby amended by adding thereto and inserting therein the following:

TRANSIT REVENUE VEHICLE REPLACEMENT - From the revenue fleet replacement fund for the 2008/2009 biennium there is hereby appropriated to:

Transit Revenue Vehicle Replacement \$0

SECTION 7. Ordinance 15975, Section 136, as amended, is hereby amended by adding thereto and inserting therein the following:

PUBLIC TRANSPORTATION CONSTRUCTION UNRESTRICTED CAPITAL IMPROVEMENT -

The executive proposed capital budget and program for 2008-2013 is incorporated herein as Attachment ((H)) A to this ordinance. The executive is hereby authorized to execute any utility easements, bill of sale or related documents necessary for the provision of utility services to the capital projects described in Attachment ((H)) A to this ordinance, but only if the documents are reviewed and approved by the custodial agency, the property services division and the prosecuting attorney's office. Consistent with the Growth Management Act, Attachment ((H)) A to this ordinance was reviewed and evaluated according to the King County Comprehensive Plan. Any project slated for bond funding will be reimbursed by bond proceeds if the project incurs expenditures before the bonds are sold.

From the public transportation construction unrestricted fund for the 2008/2009 biennium there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment ((H)) A to this ordinance.

Fund	Fund Name	2008/2009
3641	Public Transportation Construction Unrestricted	(\$12,911,517)

ER1 EXPENDITURE RESTRICTION:

The council, through a comprehensive approach to the transit budget crisis, has made a policy decision to reduce the 2009 Public Transportation Capital Improvement Program by a contra of \$12,800,000 and increase the 2009 transit operating fund

Of the \$40,072,017 appropriated to the following projects in the Public Transportation Capital Improvement Program, no more than \$27,272,017 in total may be expended on the following transit capital projects:

1. A00012 Trolley Overhead Modifications
2. A00025 Operating Facility Improvements
3. A00054 Capital Outlay
4. A00065 Operator Comfort Stations

5. A00082 Transit Asset Maintenance Program
6. A00204 Information Systems Preservations
7. A00205 Bus Zone Safety and Access
8. A00402 East King County Transit Corridor Improvements
9. A00403 Regional Signal Priority
10. A00404 Seashore Transit Corridor Improvements
11. A00405 South King County Transit Corridor Improvements
12. A00529 Non-Revenue Vehicle Replacement
13. A00577 Park and Ride Security Lighting
14. A00586 Bellevue Bus Layover
15. A00590 ADA Mobile Data Terminal Replacement

It is also the intent of the council to have the executive submit a revised Public Transportation Capital Improvement Program reflecting distribution of this \$12.8 million reduction to these projects by January 31, 2009.

SECTION 8. Ordinance 15975, Section 137, as amended, is hereby amended by adding thereto and inserting therein the following:

PUBLIC TRANSPORTATION CAPITAL TRANSFER TO OPERATING - From the public transportation construction fund for the 2008/2009 biennium there is hereby appropriated to:

Fund	Fund Name	2008/2009
3641	Public Transportation Construction	\$12,800,000