

START OF TRANSCRIPT

[00:00:30] That's what the instructions say--- three times.
[00:00:36] Well, good afternoon, everyone.
[00:00:37] This is Commission President Peter Steinbruck reconvening the regular meeting of February 25th, 2020.
[00:00:45] The time is now 12:06. We are meeting at the conference center at SeaTac International Airport.
[00:00:53] Present with me today, are Commissioners Calkins, Cho and Felleman.
[00:00:57] We expect Commissioner Bowman momentarily.
[00:01:00] We begin today's meeting by acknowledging the indigenous peoples of the Duwammish and coastal Salish who have stewarded these beautiful lands and waters since time immemorial.
[00:01:12] We must commit to doing the same for the planet and for generations to come.
[00:01:18] This meeting is being digitally recorded and may be viewed or heard at anytime on the port's Web site and may be broadcast by King County Television.
[00:01:27] Please stand for the Pledge of Allegiance.
[00:01:33] I pledge allegiance to the flag of the United States of America.
[00:01:38] And to the Republic for which it stands , one nation under God, indivisible, with liberty and justice for all.
[00:01:51] Ok. The item number three: Approval of the agenda.
[00:02:01] And that would be. Let's see.
[00:02:06] Yeah. I.
[00:02:11] Ok. Is there anything we need them out by the agenda?
[00:02:15] I think there is.
[00:02:17] I'll get you.
[00:02:21] Are there any motions to add or to rearrange the orders of the day or request to remove items from the consent agenda
[00:02:27] calendar? Is there a motion to amend?
[00:02:33] I guess we'll have to have a conversation.
[00:02:38] Well, actually, we're going to have the conversation.
[00:02:40] It's on the agenda.
[00:02:41] [Commissioners talking over each other].
[00:02:46] Hearing no motion to revise the agenda, please show the preliminary agenda approved without objection.
[00:02:53] Actually, I'm sorry. I'm going to.
[00:02:55] OK.
[00:02:56] I'm going to motion. I'm sorry.
[00:02:57] I made a motion to pull an item 8A.
[00:03:03] I'm putting my glasses on here.
[00:03:05] I would like to table item 8A.
[00:03:07] There's been a motion. Is there a second table item 8A?
[00:03:10] Second.
[00:03:11] It's been moved and seconded.
[00:03:12] All those in favor, please say Aye, opposed say Nay.
[00:03:17] Motion carries. Item 8A tabled.
[00:03:19] Clerk, typically, I think under the rules, you table to a specific future meeting.
[00:03:27] You don't j ust table indefinitely
[00:03:32] under the rules of Robert's order.
[00:03:34] Yeah. Thank you for that, Commissioner.
[00:03:38] So, because laying on the table, because of the structure of the Port Commission postponing indefinitely and postponing to a time certain have the same effect, which is to say that the item will not be taken up during today's session.
[00:03:58] So,.
[00:03:59] Okay.
[00:04:00] So, so it's it's not absolutely necessary to explain when it's going to come back on.
[00:04:06] All right. That's all I wanted to clarify.
[00:04:09] May I add, though, that I, for the record, I would like to take this up as soon as possible.
[00:04:13] I think it's important for.
[00:04:14] I propose that we specify the next meeting.
[00:04:19] That would be great.
[00:04:20] What's the date? So we don't delay this.
[00:04:23] So the next regular meeting would be on March 10th.
[00:04:25] So if that could be a friendly amendment to the motion makers and amenders and March 11th,.
[00:04:35] I don't think we need an amendment but just the intention to bring it up on March 10th.
[00:04:38] All right.
[00:04:40] That addresses that issue so.
[00:04:44] Okay. And I think, so, we've approved the amended agenda.
[00:04:49] Executive director's report Item 4.
[00:04:56] Commissioners, good afternoon. I'd like to begin my remarks by sharing five announcements.

[00:05:00] Recently, the Port held its third annual Innovation Awards recognition event.

[00:05:04] Cultivating innovation throughout the Port is critical to our success as an organization.

[00:05:11] For this award, we received 30 nominations that represented innovative and collaborative projects by over 100 Port employees, all of the eleven Port Employee Resource Groups and hundreds of college and high school interns.

[00:05:24] The winner was the Media Washing Machine, which was also voted by employees as the People's Choice Award winner.

[00:05:29] No, this is not a fake news cleansing algorithm, but it's a machine to remove gunk from oyster shells that are used as filters for the stormwater runoff.

[00:05:39] These machines were constructed by teams in marine maintenance from old spare parts and actually were very inventive in its way to make sure that these oyster shells were used effectively in the system.

[00:05:51] The event also included the fourth quarter winner, the Pier 66 Shore Power Submarine Cable Project, which identified an innovative approach to bringing shore power to our cruise terminal at 66.

[00:06:02] This approach is less expensive and has less impacts on the waterfront businesses, pedestrians and vehicles and utilities.

[00:06:09] The honorable mention for stakeholder impacts went to the Shilshole Bay Marina Interactive Real-Time Map Project, which will increase customer satisfaction, improve operational efficiency, and increase revenue.

[00:06:21] Since we last met, our airport had its annual FAA Federal Air Regulation Inspection, also known as the Part 139.

[00:06:30] This is a mandatory, extremely comprehensive, four day, one night inspection that touches almost everything we do on the airfield.

[00:06:37] The FAA looks at everything.

[00:06:38] There's a long list here of items, but I won't go through all of those.

[00:06:42] It's just everything that the airport does, both from a material and a operational standpoint.

[00:06:47] Impressively, the airport passed comprehensive audit with no findings for a second year in a row.

[00:06:52] This is a very rare occurrence for any airport and it speaks to extremely high caliber team led by Lance Lyttle that we have at the airport and in multiple disciplines.

[00:07:02] Please join me in recognizing our staff worked diligently behind the scenes to keep SeaTac operating safely daily.

[00:07:13] Can I just ask, can I just ask the airport to please stand up.

[00:07:16] Those employees from the airport.

[00:07:23] I know there's, I know there's more than that.

[00:07:25] They're a modest group to boot.

[00:07:27] So.

[00:07:30] On another issue, our staff at the airport and at the seaport have all been working hard at monitoring the impacts of the Corona virus, COVID-19, on our operations.

[00:07:41] As you know, the Port follows the guidance provided by public health experts at the federal Centers for Disease Control and Prevention, [00:07:47] Customs and Border Protection, United States Coast Guard on the Maritime Side, Washington State Public Department of Health, and Public Health Seattle and King County during any public health incident.

[00:07:59] We rely on these public health officials to provide the latest risk analysis and recommend scientifically proven steps to keep employees in our communities safe.

[00:08:08] Since we've seen, since the implementation of restrictions, the CBP and CDC have screened hundreds of incoming passengers for signs of the Corona virus infection.

[00:08:19] So far, there haven't been any additional infections found.

[00:08:23] And we're continuing those efforts to coordinate both with the federal and the state and local representatives.

[00:08:30] In response to the virus, the airport has increased, as I reported before, we continue our use of disinfectants and cleaning high touch areas and making more hand sanitizers available in the arriving passengers and our international arrivals

[00:08:42] Federal Inspection Service area.

[00:08:45] At this point, we're continuing our sensitivity analysis for economic impacts of the COVID19.

[00:08:52] At this point, it appears revenue impact as a result-- will result in lower spending in the airport for parking, taxis, TNCs, meals, gifts and other items.

[00:09:02] At the present point, our financial operating reserve can cover these amounts.

[00:09:06] The lower spending levels result from our limited number of affected flights into China.

[00:09:11] Those flights account for a reduction of 0.3

[00:09:14] to 0.4 percent of travelers, which limit this year's overall growth slightly.

[00:09:18] So far, year to date.

[00:09:21] Switching to the cruise industry, Royal Caribbean has announced an added itinerary for a-- from Seattle for 2020 with their vessel named the Millennium.

[00:09:30] Norwegian Cruise Line reported they canceled cruises in other parts of the world, but the cancelation rates have leveled off.

[00:09:37] A survey indicates that over 60 percent of cruise travel booking agents report that they're seeing a slowdown in advance bookings in other regions of the world based on the news reporting.

[00:09:47] The cruise industry survey indicated that many travelers are waiting to see if the virus concerns continue.

[00:09:52] So we're continuing to monitor this how it will impact our upcoming cruise season.

[00:09:57] Respondents also indicated that they believe North American cruises were safest.

[00:10:01] As a financial backstop, we have in place both lease minimum annual guarantees on our leases.

[00:10:10] At this point, we continue to monitor to these developments and will report on these as the impacts are felt as we go forward.

[00:10:20] So I think it's important to note the mag's that exists so that the impact on us is mitigated somewhat by that.

[00:10:28] But I was under the understanding that a cruiseliner is going to show up early while our factory trawler is still in place and therefore wasn't a slip for them and would sit on a hook in the Elliot Bay?

[00:10:39] Is that--
[00:10:41] That's a specific operational question?
[00:10:43] I'm going to look here. I don't know if that one.
[00:10:45] I know we have a cruise ship coming in starting on April 1st, but I have to report back to you on that.
[00:10:52] Because I mean, I'm concerned by such a suggestion.
[00:10:55] We have done this before. We have done cruise ships at--.
[00:10:58] On anchor?
[00:10:59] Yes.
[00:11:00] Okay. Anyway,.
[00:11:02] I'll look into that, Commissioner.
[00:11:03] I assume if sixty-six is open that they would use a berth.
[00:11:07] I'll look into that.
[00:11:08] Right.
[00:11:10] I had a similar question about flights that have been canceled to Asia.
[00:11:14] There's probably no way to get beyond speculation to identify when flights might be restored.
[00:11:23] What would be required for flights to be restored?
[00:11:28] I think it's a combination of demand and then the travel limitations put in place by the federal government.
[00:11:35] You know, a lot of uncertainty there.
[00:11:38] Still a lot of uncertainty.
[00:11:39] We'll continue to report on that.
[00:11:40] Commissioner Cho?
[00:11:41] Yeah, I would just ask that we be kept updated on additional flights that might be canceled.
[00:11:47] Right now, it's really limited to China, but areas like South Korea and other places around the world are also considering doing the same.
[00:11:54] And so if we could just be updated on what the airlines are thinking, if they're going to be proactive and cancel flights or if the FAA or CDC suggest cancellation of flights.
[00:12:04] I'd like to be updated on that.
[00:12:05] So it becomes a combination of which flights, you know, the China flights were canceled, but also then you know, decrease based on that demand for those flights as well.
[00:12:14] So we will report on those developments as we go forward.
[00:12:18] Commissioners, I'd also like to point out recent activities around the proposed new cruise facility at Terminal 46.
[00:12:24] Just to update you, as you may recall, we launched our SIPA C.I.S
[00:12:29] scoping period last fall.
[00:12:30] Earliest month we released the scoping report which summarizes comments received on the topics for the environmental review.
[00:12:37] In addition, last month we released the revised request for proposals to the shortlist of proposers being evaluated as potential investment and operating partners for the new-- proposed new cruise facility.
[00:12:49] The proposers responses were due on February 20th in the evaluation team and is reviewing what was received at this time.
[00:12:56] Included in the revised RFP was new language requiring homeport cruise vessels at the new berth to be equipped with shore power capability and to use shore power went at berth.
[00:13:06] In addition to the shore power, The port also required cargo handling equipment to have zero tailpipe emissions, further participating in regional air quality planning as well as prohibiting discharges at berth.
[00:13:19] Staff looks forward to providing an update on this project at the March 24th Commission meeting.
[00:13:25] Over at Shilshole Bay Marina,
[00:13:26] progress is being made on the remodel of the South and Central Customer Service facilities buildings.
[00:13:31] Each building will provide twenty seven hundred square feet of space with restrooms, showers and laundry rooms as well as family units that are all A.D.A.
[00:13:39] accessible. The laundry air is nearly double what it currently is on site.
[00:13:45] Solar panels will generate 70 percent of the heat needed for each building, and radiant heat pumps will keep the spaces dry and warm.
[00:13:53] The north restroom will be a 800 foot structure with gender neutral restrooms and separate shower rooms.
[00:13:59] The new facilities are expected to open by May and is on budget at this time.
[00:14:04] Moving to today's meeting, I want to highlight four items on our agenda.
[00:14:08] Item 8A, well, action taken on that, I'm going to pass that.
[00:14:14] Item 8B is an authorization for additional funding to the existing sustainable airport masterplan, which will enable continued work on the environmental review, including additional stakeholder outreach efforts.
[00:14:25] And finally, Item 9A is an update from the Biometrics Working Group.
[00:14:29] Commissioners, this concludes my remarks.
[00:14:32] Ok, thank you.
[00:14:33] Director Metruck.
[00:14:35] At this time, we're going to begin an additional item in our Commission agenda, which is the committee reports, if there are any.
[00:14:46] And so our Commission policy manager, Aaron Pritchard has some updates for us on this topic of committee activities.
[00:14:58] Good afternoon, Commissioners and Executive Director.
[00:15:01] I'll just go through each of the committees and touch really lightly on each of the issues that they covered, the subject matters and just say a little bit about what the recommendations.
[00:15:08] All the recommendations in the committee matter eventually comes before the commission.

[00:15:12] This just allows Commissioner just to sort of dig in on a couple of topics before they come up in session.

[00:15:17] So the aviation committee met on Tuesday, February 18th and really reviewed two topics, particularly ground transportation at the airport and the airline five year CIP.

[00:15:28] The wide ranging conversation around ground transportation focused in on some of the ground transportation policy directive that was passed last year.

[00:15:36] There's lots of discussion about the implementation of a transportation management association which would bring together all the employers around the airport to figure out what we can do to reduce single occupancy travel to the airport among other things.

[00:15:48] We'll see some talking points coming out of that conversation that will focus on how we can help employers approve commute trip reduction as well.

[00:15:56] And then the airline five year CIP focused on some of the changes that the aviation team is making on how they bring major projects forward in packages and programs versus smaller projects so that you can get a better view of what the airport's doing.

[00:16:11] You'll hear more about the biometric special committee meeting that happened.

[00:16:15] And they reviewed the biometric policy recommendations.

[00:16:19] The audit committee met on 2/11 and closed out an important meeting on a single topic which is around the architect and engineers contracting levels.

[00:16:28] And I believe that issue has been closed now for the audit committee.

[00:16:32] The Energy Sustainability Committee had meeting on 2/12, which is really a very interesting presentation from WSU on a long term study they've been doing for us on potential Northwest Regional Feedstock production for sustainable aviation fuels.

[00:16:48] Dr. Walcott came up from WSU and I think we discussed it for almost two hours.

[00:16:54] It was a very good presentation.

[00:16:56] The committee has recommended this come to the full Commission as soon as possible in a study session because of the importance of this issue.

[00:17:03] We'll get a look at, in that study session, some of the environmental subjects that the airport's already done, some of the short term improvements that they're proposing that's coming out of the M-O you group, and a full briefing from Dr.

[00:17:15] Walcott and the team on this study.

[00:17:19] Aaron, on that topic, it would be, I think, beneficial at some point to hear from Delta Airlines, which has also announced a study of potential feedstock sources that are local, sustainable and meet the basic criteria that I think that we're seeking.

[00:17:36] And I think that the committed up to 2 million for that work here in Washington state.

[00:17:41] So I, certainly at some point, would like to hear an update on that work as well.

[00:17:46] We can perhaps share those practices and

[00:17:49] the research that's been done here.

[00:17:54] The study, that WSU study was funded by the Port.

[00:17:57] And specifically, we tasked them to do that.

[00:18:00] And just as far as the biofuel, the [inaduable] forestry products that Southwest Washington seems to be the richest area.

[00:18:10] And I think it might actually be dovetailing with Delta's analysis, too, which is, it's always good if folks

[00:18:17] concur .

[00:18:19] The industry voice is particularly important here.

[00:18:22] I think as well.

[00:18:23] So it's definitely spurred some interest around municipal solid waste as well.

[00:18:26] That was a big outcome in this study.

[00:18:29] The Equity in Workforce Development Committee reviewed a proposed workforce development policy, getting some of the concepts down so we have a way to bring forward a briefing to the full commission, which has now been pushed out till March 24th for a briefing.

[00:18:43] But we also have some community meetings that are going to take place in the April timeframe.

[00:18:48] That policy is under development and we hope to have a review back to the committee to see some of the changes they've proposed in short order here so we can share it with the rest of the commissioners as well.

[00:18:58] Will that work be informed at all by the memorandum of agreement of understanding with the city and the county under priority higher and the likelihood of an eventual inter-local agreement?

[00:19:13] Is that, in some way, tie in with the work program for the Workforce and Development Committee?

[00:19:22] So they are related and some of the analysis we're getting from legal will help us look at those contracts.

[00:19:28] But it is not going to direct that work.

[00:19:30] Those contracts are already, in fact, functioning.

[00:19:33] So I think they have a relation.

[00:19:35] Yeah. Okay. All right.

[00:19:37] Any other questions?

[00:19:38] I'm sorry, are you? Do you have more?

[00:19:40] I'll just finish up. A Port-wide Arts and Culture Board met and discussed the 2020 work plan, received updates on several ongoing art installations.

[00:19:47] Always so very important.

[00:19:48] Right. I look forward to future reports that help expand transparency and the deliberative process here at the Port Commission.

[00:19:56] Thank you, Aaron.

[00:19:57] Thank you.

[00:19:58] Commissioner. I can give you a Real-Time update on the on the cruise vessel.

[00:20:03] It will not be an anchor.

[00:20:04] It will be at terminal ninety one and it will be plugging into shore power
[00:20:10] Good. Thanks.
[00:20:13] Ok, with that, I think we moving on to item five, which is public comment.
[00:20:19] The commission will now accept public comment.
[00:20:21] Any written materials can be given to the Clerk for distribution to commissioners.
[00:20:26] If you wish to speak, please sign in, and I have several who have already, and identify the specific item you are addressing.
[00:20:34] We'll limit the comment time to two minutes per person.
[00:20:37] And we'll begin with Jordan Van Vaughst.
[00:20:42] And if I might. Before you get started, sir.
[00:20:44] No, I just wanted to let President Steinbrueck know I had been subpoenaed to testify at a hearing so I might have to walk out abruptly.
[00:20:52] So if I walk out on anybody's testimony, I apologize.
[00:20:54] It's nothing personal.
[00:20:56] Thanks.
[00:20:57] Jordan?
[00:20:58] Good afternoon, commissioners and staff.
[00:21:00] My name is Jordan Van Vaughst and I'm a licensed acupuncturist and the co-president of Dahmer Friendship Foundation.
[00:21:07] And so I'm here today to comment about the T46 project.
[00:21:14] I sent you an email with a long list of concerns and I'll just limit it to the issue of the fuel for cruise ships.
[00:21:24] You know, to the extent that the cruise ships participate in the fossil fuel economy, then all of these risks apply to being part of the consequences of fossil fuels.
[00:21:36] So I did a little research on where the oil from the Seattle's cruise ships originates.
[00:21:45] And the best I can figure out is it comes from the North Slope of Alaska.
[00:21:51] And then it's pumped to Valdeese via the pipeline and then shipped via tanker along the same route that the Exxon Valdez took in 1989 when it dumped 11 million gallons into Prince William Sound.
[00:22:02] And that area is still recovering now.
[00:22:04] You can still find oil oozing out of the sand.
[00:22:07] Many species of orca, pigeon, gilamont, and one other that I can't remember, one other animal, Herring haven't recovered yet, according to science.
[00:22:25] So, and some of the oil may come from the Canadian tar sands, an environmental disaster of epic proportions.
[00:22:33] So at each stage of this process, there are multiple risks for oil spills.
[00:22:39] And of course, with the Trans Mountain pipeline coming up, they predict a 700 percent increase in tanker traffic through the same channels up through the San Juans, which are quite treacherous in any kind of weather.
[00:22:53] So it's really only a matter of time before there's some kind of collision, whether a cruise ship.
[00:22:58] I mean, you know, of course, we pray that these things don't happen.
[00:23:01] But, you know, accidents do happen, whether cruise ship involved or not.
[00:23:06] You know, again, it's, when we're dealing with fossil fuels, we're we're kind of putting our energy into that whole system.
[00:23:14] So thank you very much.
[00:23:16] Thank you, Jordan.
[00:23:18] And our next speaker is Cynthia Speice, followed by Jennifer Lee.
[00:23:33] Hi, I'm Cynthia Speice, an independent security researcher and Seattle resident.
[00:23:37] My comments are regarding biometric air exit, the use of biometric technology at the Port of Seattle sets a disturbing precedent backed by a publicly elected Commission.
[00:23:46] Make no mistake about it: This technology will not be contained.
[00:23:50] This lays the foundation for a future dystopian world where everyone's movements are tracked and logged.
[00:23:54] The Port is being two-faced.
[00:23:55] Since RFP 19- 86 was opened for bids before a ny approval or policy requirements on the use of biometric technology have been finalized by the commission and the Port's biometric report itself uses wording throughout that assumes not only that the commission will grant approval, but that such approval would support existing CBP implementations unaltered.
[00:24:14] Together, this implies the Port staff are close minded and biased against the concerns raised by the public that this whole process, especially that of the Biometrics External Advisory Group, is nothing but a pointless charade, with Port staff and commissioners ready to rubber stamp anything the airlines or CBP requests.
[00:24:29] In addition to the unheeded concerns raised by the External Advisory Group, I'd like to point out that Congress did not mandate that anyone, including foreign nationals, be required to give their biometric data to airline or cruise ship companies.
[00:24:40] If CBP needs the data, then CBP should be the one gathering that data.
[00:24:43] Additionally, the Port is under no requirement to operate this technology on behalf of CBP regarding the principle of voluntary.
[00:24:50] The report states that there are two problems: opt in/ opt out procedure and unintended image capture.
[00:24:56] However, none of the port's own recommendations address that opt in/ opt out problem, and none of the port's recommendations under the principle of transparency, address the insufficient or nonexistent opt out signage or other communication from CBP.
[00:25:08] CBP's own material shoulder plans for biometric tracking of all travelers, citizen and non-citizen, international and domestic.
[00:25:15] So it's in CBP's own interest and goals that have poor signage and poor communication.
[00:25:19] They have no reason to help travelers or the Port thwart them.
[00:25:22] CBP is not your friend.
[00:25:24] They're not your partner. They're paying you lip service.

[00:25:26] Don't rubber-stamp the use of mug shots at the Port.
[00:25:29] Thank you. Thank you.
[00:25:32] Jennifer Lee. Followed by Stan Shikuma.
[00:25:43] Good morning, Commissioners. My name is Jennifer Lee and I'm the tech and liberty manager at the ACLU of Washington.
[00:25:48] I'd like to thank the Port of Seattle Commission for being the first Port in the country to push for a conversation on whether face surveillance technology is compatible with our democracy and civil liberties.
[00:25:59] However, as a member of the Biometrics External Advisory Group that was formed to provide feedback on policies regarding the ports use of biometrics, I would like to raise concerns on both the policy making process and the recommendations for air exit that have been shared.
[00:26:14] First, we are concerned that as we are in the very process of determining if and how the Port should allow the use of facial recognition, the Port has already posted an RFP for shared use Port owned facial recognition systems for airline use at departure gates at SeaTac International Airport.
[00:26:30] Though we have been told that the sole purpose of the RFP is for market research, the text of the RFP itself states that the Port is already committed to helping CBP install a biometric air exit system and that it quote s upports the industry trend of using facial recognition, end quote.
[00:26:47] Commissioners who voted for the resolution on biometrics adopted at the Commission meeting on December 10, 2019, stated that the resolution was intended to leave open all possibilities, including that the Port might not permit deployment of any public facing biometrics.
[00:27:02] There is a contradiction here.
[00:27:03] The Port cannot legally state that it is committed to deploying a permanent biometric system to prospective bidders while stating to the advisory group and the public that no commitments have been made.
[00:27:15] Second, the Port staff draft the recommendations on air exit shared with the advisory group recommends that the Port work collaboratively with CBP and airlines to roll out facial recognition.
[00:27:25] We strongly disagree with this recommendation.
[00:27:28] The Port should not be facilitating the infrastructural expansion of face surveillance technology that is rife with race and gender biases.
[00:27:35] Even if this technology were perfectly accurate, its use poses great threats to a constitutionally protected rights and civil liberties.
[00:27:43] The Department of Homeland Security and the aviation industry as a whole have explicitly stated their common vision of widespread deployment of face surveillance in our nontransparent system where data is increasingly shared between public and private entities,
[00:27:56] it is difficult, if not impossible, for travelers to meaningfully consent to provide biometric information to some entities, but not to others.
[00:28:04] The Port should not provide cover for CBP to roll out its mass collection of biometric data.
[00:28:11] We ask the Port to reject participation in facilitating the expansion of face surveillance that chill civil liberties.
[00:28:17] Thank you.
[00:28:18] Thank you. Stan Shikuma followed by Elaina Perez.
[00:28:25] Good afternoon, Commissioner s.
[00:28:27] I'm Stan Shikuma, President of the Seattle chapter of the Japanese American Citizens League.
[00:28:32] It's one of the oldest and largest civil rights organizations among Asian Pacific Islanders.
[00:28:39] I was quite happy at the beginning of this session that we all pledged to One Nation with liberty and justice for all.
[00:28:47] I hope that was not a pro-forma pledge and that we all take that to heart.
[00:28:53] I'm here to offer a cautionary tale about biometrics, face surveillance in particular and unintended consequences.
[00:29:03] In 1942, 78 years and six days ago, the president signed an executive order, 9066, which authorized the military to declare certain zones-- that they could clear people out of certain zones, whether it's citizens or not.
[00:29:23] There is nothing in that order that specifies Japanese and Japanese Americans would be the ones affected.
[00:29:31] However, that is exactly how it was implemented.
[00:29:37] General Dewitt and his assistant Carl Van Datsun, who incidentally hails from Aberdeen, Washington, wrote and promulgated the orders that cleared people out from the West Coast, including all of western Washington.
[00:29:56] Actually, all the way over to the Columbia River for the duration of the war.
[00:30:03] This is the largest violation of constitutional civil rights in the history of this country.
[00:30:10] Today. We face arguments again of national security and on the economic side of efficiency in promulgating new technologies.
[00:30:23] I would just caution the Commission that for marginalized communities, communities of color, Muslims, the poor, that these are not incidental consequence type things.
[00:30:38] That for most of us in this room, if we think of something bad happening with facial recognition, we think we're gonna miss a flight.
[00:30:47] We're gonna ruin a vacation.
[00:30:48] But for marginalized communities, they're thinking, we're gonna get arrested.
[00:30:52] We're gonna get deported.
[00:30:53] We're gonna be separated from our families.
[00:30:55] I hope you will take this into serious consideration whenever you decide on facial technology.
[00:31:02] Thank you.
[00:31:04] Elaina Perez followed by Andrew Riddle.
[00:31:15] Elaina Perez with Puget Sound Sage.
[00:31:17] I want to start off by saying that I was very encouraged in December to hear Port commissioners calling for greater transparency and accountability in response to decisions being made about the use of facial recognition technology at the airport.
[00:31:29] And very excited to have you here, Commissioner Cho, to continue this conversation.
[00:31:35] On December 10th, we urged you to defer action on the motion.
[00:31:38] We felt that you had not fully heard from civil liberties and data surveillance experts as well as communities most impacted by use of this technology and that request was denied.
[00:31:49] Instead, a biometrics external advisory group was established to respond to our concerns of lack of transparency and accountability.

[00:31:57] But that group that was intended to be a space for community stakeholders has instead been overwhelmingly stacked with industry and agency representatives that have already expressed their interest in having facial recognition technology at the Port.

[00:32:12] In fact, two corporations that stand to profit directly from this decision, Microsoft and Amazon, have seats at that table.

[00:32:21] These two corporations are not obvious stakeholders at the Port and they have a track record of lobbying and opposition to strong privacy regulations around surveillance technology.

[00:32:33] To date, the impact of biometrics on communities of color, immigrants and refugees has not been fully explored and you still have not received substantive feedback on this issue.

[00:32:43] As such, we urge you to not allow any further action by Port officials to lay the ground groundwork for facial recognition like the RFP, until you hold a robust public hearing dedicated to this issue.

[00:32:56] We know that you as individuals are deeply concerned about this issue and feel obligated to protect the public.

[00:33:02] We are asking you today to take back control of this process and to help the public achieve clarity about what you, the Commissioners are moving forward and what you are not.

[00:33:14] Thank you very much.

[00:33:17] Thank you.

[00:33:20] Andrew, is it Kittel or Riddell?

[00:33:23] Sorry. Followed by--.

[00:33:26] Neither It's Andrew Kita.

[00:33:30] Okay. Thank you. Andrew, I'm sorry for that.

[00:33:32] No worries.

[00:33:34] My name is Andrew Kita.

[00:33:36] I'm a resident of South Seattle and a member of 350, Seattle's leadership team.

[00:33:42] I'm here to ask you to put real sustainability back in the sustainable airport master plan process.

[00:33:49] Real sustainability means clean air for the kids in South King County who must now breathe the ultrafine particles and other pollution that rains down from the flight path.

[00:34:01] Real sustainability means a stable climate for kids all over the world who are looking at a life lived in an escalating climate emergency.

[00:34:11] Make no mistake, we already live in a climate emergency.

[00:34:16] It's not like other emergencies.

[00:34:18] The communities that are hit rarely think disaster is around the corner.

[00:34:23] People in Australia were enjoying spring last October, unaware that in a few month, few months, they would be driven to the edge of their continent by raging fires.

[00:34:33] People in Paradise, California, thought that they were living in paradise until the Camp fire destroyed their town.

[00:34:41] People in Houston thought things were just fine before Hurricane Harvey caused 125 billion dollars worth of damage.

[00:34:49] I could go on. The climate emergency is like a Russian roulette gun.

[00:34:56] And the more climate pollution we emit into the atmosphere, the more ammunition we put in that gun and the resulting climate disasters will be increasingly frequent and devastating.

[00:35:08] We must stop pretending that we can meet anticipated aviation demand over the next 30 years, unconstrained aviation demand is projected to skyrocket.

[00:35:19] And along with it, the associated climate pollution, which by recent estimate could grow to 27 percent of climate pollution by 2050.

[00:35:29] We have a choice. We could add more ammunition to the climate Russian roulette gun or we can say enough is enough.

[00:35:37] It's time to make the future safe for our kids.

[00:35:40] It's time. It's time to say no to airport expansion.

[00:35:45] Thank you. Bernadine Lund, followed by Monty Anderson.

[00:35:59] Hello, my name is Bernadine Lund.

[00:36:01] I live in federal way and I'm a member of Quiet Skies of Puget Sound and also associated with 350 Seattle for the last several months.

[00:36:09] I wanted to talk about the, Sam, I wanted to thank you for extending the time on the sand so that all the appropriate elements can be included, including a revised demand forecast.

[00:36:21] The demand forecast shows an increase in both 2027 and 2032, but does not show the increases since 2012, with the addition of the third runway.

[00:36:32] Showing all of these increases in comparisons to what was originally projected would show that you are serious about getting a fair evaluation from the NEPA and SIPA reviews.

[00:36:44] The FAA only considers the emissions where a few miles taken a few miles during an airplane takeoff, which is very misleading.

[00:36:53] Instead, you can calculate the greenhouse gases based on the amount of fuel pumped, which would give a more accurate picture of the airport's impact on local and global communities.

[00:37:04] Once in the upper atmosphere, the gases and pollution circle the world.

[00:37:08] I don't know how many people here remember Mount St.

[00:37:13] Helens blowing up, but I was in Seattle and lived in Olympia and the smoke did circle.

[00:37:19] I mean, it did end up going across the country.

[00:37:24] Rather than always projecting increases in flights, I suggest you have a sample that just shows that you're maintaining steady course.

[00:37:33] Why does it have to show increases?

[00:37:35] It could just say we're holding steady or we're even decreasing.

[00:37:41] That would also increase I mean, reduce pollution.

[00:37:48] You could hold the flights steady or even reduce them until there's less polluting modes of transportation that can be developed and implemented.

[00:37:56] Some example where people are saying no to increases in cities include Mexico City, which just said no to increase it [timer beeps]
[00:38:07] Mexico. And September 11th.
[00:38:10] So I just challenge you to look at other forms of transportation and think of other ways that you can use the airport.
[00:38:17] Thank you.
[00:38:20] Monty, you're up next .
[00:38:22] [Coughs] Excuse me.
[00:38:24] Followed by David Gobal.
[00:38:30] Hello, my name is Mont y Anderson.
[00:38:31] Thank you. I keep wanting to call you CEO.
[00:38:35] But what's your title again, Steve?
[00:38:38] It's Executive. Thank you.
[00:38:40] Commissioners, thank you for letting me speak.
[00:38:46] I just want to, I came down here today to touch on a couple of things.
[00:38:50] You know, I want to once again, thank you for your partnership.
[00:38:53] We have thousands of people out here working, making a fair wage with family health care, paid time off, vacation pay, grievance.
[00:39:06] And it's very important to the community.
[00:39:08] I think that people realize that the Port is a huge generator and one of the best employers we have in this area.
[00:39:14] We, like I said, we have great numbers out here for apprenticeship and I appreciate you guys as workforce development.
[00:39:21] I want to comment briefly talking with Commissioner Bowman about maybe an idea coming up where we could have some in-house Glazer's maybe work on some of the local houses here that are getting insulated from sound.
[00:39:33] I want to let everybody here know that I would be very interested in meeting with the Port and finding out if we could get more people from the community into these good paying apprenticeships and work here at the Port.
[00:39:44] And if there's an opportunity, we're open to work with you.
[00:39:48] Thank you very much.
[00:39:49] Thank you.
[00:40:02] Hi, my name is David Goble, the president of the 5013C Vashon Fair Skies, I come today to speak on agenda item 7A , which is an update from the Port Noise Office.
[00:40:13] As all of you, and probably a lot of people watching from home know, by now, we have been engaged in a long struggle to put noise monitors on Vashon Island due to the implementation of NexGen.
[00:40:21] To this end, thank you again for motion 29-14 passed last November.
[00:40:26] However, since then, the process concerning the noise monitor has been completely opaque, so I can only presume it's making forward progress.
[00:40:33] This, in spite of the most relevant elected government body on Vashon, the Vashon Park District, we don't have a city, we're unincorporated, attempting to provide input by passing an official resolution.
[00:40:44] I would ask that the Port of Seattle try to find some way within its bylaws to deputize me personally to work more directly with the Noise office on the Vashon noise monitor.
[00:40:56] I'm not looking for a badge or anything like that.
[00:40:58] Just for your blessing to volunteer my time, experience and motivation to help bring about our shared goal of the most effective monitor siting and operation.
[00:41:09] My educational background is in physics, and my professional background is in software engineering.
[00:41:13] I have a lot to offer.
[00:41:15] And so please let me help.
[00:41:17] Finally, I need to take off I have a two o'clock meeting at Microsoft in Redmond so if I leave before other people at public comment or during the presentations 7A, please take no disrespect.
[00:41:26] I just, like Commissioner Bowman.
[00:41:28] I, there's something I have to run to.
[00:41:30] Thank you.
[00:41:31] Thank you. The next speaker is Ernest Thompson.
[00:41:36] David, you're not part of the Park's Board, are you?
[00:41:39] No, my neighbor is though.
[00:41:46] Followed by Jesse Harris.
[00:41:50] Nice to see you, Sam, I'm glad you got elected.
[00:41:54] I just better go hyper-Port level speed here to get through two minutes.
[00:41:58] First of all, I'd like to say that Mr.
[00:42:01] Kitto and the 350 organization, I'd like to double down on that.
[00:42:04] It's time to start thinking about not expanding SeaTac, but downsizing or changing it, at least from SeaTac Airport to Sea Tac Hyper Port.
[00:42:13] The state of Ohio, the northeast Ohio area- wide coordinating agency just committed 1.2
[00:42:21] million to a study for feasibility for a Hyperloop between Chicago and Cleveland.
[00:42:27] At three hundred miles, at doing it and 700 miles an hour, that would be twenty eight minutes.
[00:42:32] They're already at the EIS stage of development of this project, and now apparently Pennsylvania and New York want to join in on that for the area up there.
[00:42:43] Also in June of last year, the Department of Transportation approved five million dollars to do a budget study for Hyperloop in general.
[00:42:53] It is time for us to get on board.

[00:42:56] It amazes me that with the budget that the Port of Seattle has, that we are still in our ever so progressive state doing nothing.
[00:43:07] And we can be using our airport people to be preparing for that.
[00:43:11] We also have Boeing.
[00:43:12] Instead of making jets, they should be making hyper Port because at the end of the day, in terms of domestic travel, it's clear to rational thinking, and scientists, and others that jets are actually zombies-- they're dead, they just don't know it.
[00:43:27] So the other thing I want to bring up real quickly is about the Corona virus.
[00:43:33] There is a website I would recommend you take a look at.
[00:43:36] It's for medical professionals, but I'm sure you're all highly educated and could follow with it.
[00:43:40] It's medcram.com There have daily updates on the big picture and the medical issues surrounding Corona Virus and where it is in real time.
[00:43:51] The N95 mask.
[00:43:52] My question is for the Executive Director, I guess the N-95 mask.
[00:43:56] Do you have quantities of those that you can give to your employees here because you cannot get them on the open market now?
[00:44:04] And then I bring that up simply because as I was walking up the stairs, I noticed that one of the Asian aircrews was completely wearing masks and nobody is.
[00:44:12] That creates an atmosphere of panic.
[00:44:16] Thank you.
[00:44:17] Thank you. Jesse Herries, followed by Liaa Rankin.
[00:44:27] Good afternoon, commissioners.
[00:44:29] I have three asks in two minutes.
[00:44:32] First of all, thank you for your support of HB twenty three fifteen, the Port package update bill, and thank you for getting off the dime on the Port package program in general in today's presentation.
[00:44:51] The first ask is I would appreciate it if you guys would read the report that I sent to Commissioner Former President Bowman six months ago where she asked me, you know, about the history of the Port packages, why the system had so many problems in the beginning.
[00:45:15] Right now, in 25 words or less, I'll just tell you, it's the old engineering aphorism "You can have it fast, cheap or good.
[00:45:23] Pick two." The Port was under tremendous pressure to provide systems for up to 10,000 homes as a predicate to doing the third runway.
[00:45:35] And that's why we are where we are today.
[00:45:39] Now, the second thing is I basically got this whole Port package thing rolling three years ago by canvassing about three thousand homes in the area and all the AIP grant contractor invoices.
[00:45:57] And we vetted the worst of the worst.
[00:46:00] We've done all of the triage.
[00:46:02] So when the bill gets passed, you know, God willing, we will have a list for you of priorities which you're going to need to decide who to do, you know, first and so on.
[00:46:18] And I will, the third ask.
[00:46:20] So what I want is for you guys to look at our list and take that into consideration in prioritizing which systems to work on first.
[00:46:33] These people deserve it.
[00:46:34] We've already done 99 percent of the vetting.
[00:46:38] Finally, I would like my group since we have identified all of the homes to have a seat at the table with your noise program.
[00:46:51] When they are rolling out this program, you have not done anything to this scale in over a decade and the community deserves to be able to watch and have a voice in how you scale up this program.
[00:47:09] It will give them the confidence that things are going to go better next time.
[00:47:13] I am preparing a memo for Director Metruck and I look forward to this positive reply.
[00:47:19] Thank you.
[00:47:20] Thank you. Liza Rankin followed by Bernard Kuntz.
[00:47:24] And I just might say, Councilmember Harris, thank you for your upcoming participation on the advocacy trip to D.C..
[00:47:35] Hi, my name is Liza Rankin and I am on the school board in Seattle Public Schools.
[00:47:42] And I'm also a born and raised lifelong Seattleite.
[00:47:47] I came today prepared to, I thought, listen to a conversation about maritime and marine science high school, but apparently that the item has been moved.
[00:47:56] So instead I'm going to take the opportunity just to speak a little bit about my support of it as a citizen of the area and as a school board director.
[00:48:06] And just to clarify, I'm here as a school board director, but I'm not speaking on behalf of the full board.
[00:48:11] We were just told about this meeting yesterday.
[00:48:15] And so mobilized to come down and just to, during my, while I was campaigning.
[00:48:25] I was able to participate in Commissioner Calkins summit about the Maritime Academy or Maritime High School.
[00:48:32] And it's it's really, really exciting to me both as a Seattle citizen and as someone who writes policy now for education, that in our region, which is really defined by its waterways, that we have the potential for this opportunity to better engage the young people of our of our communities in the stewardship, in the knowledge and in the active participation of taking care of and learning about our oceans and our waterways.
[00:49:04] As a school board director, the potential for the partnerships between the different entities is extremely exciting.
[00:49:09] I know Highline School District has expressed great interest in leading this project, which is super exciting and which we are highly supportive of .
[00:49:23] The potential for the opportunities for our students, especially those furthest from educational justice, to have the opportunity to access this kind of education and to empower them to be great stewards and to have pathways to really great careers is extremely exciting.

[00:49:42] And I think something that I would actually like to see come down even to K-5, just engaging students in knowing about your work and knowing about the ocean that supports all of us.

[00:49:54] So thank you very much.

[00:49:56] Thanks. Bernard Kuntz.

[00:50:06] Good afternoon, Port Commissioner s.

[00:50:09] My name is Bernard Kuntz and I lead the design of secondary instruction in Highline public schools.

[00:50:14] And I'm here today to express Highland's continued enthusiasm and support and gratitude for the port's leadership in maritime education.

[00:50:22] Highline Public Schools appreciates the Port leadership to convene stakeholders to collaborate for the common interests of our students and the economic vitality of the region.

[00:50:30] Specifically, I appreciate the alignment of the Port and Highland's shared common values around racial equity highlights of which were shared at your last public meeting and the work of your Office of Equity, Diversity and Inclusion.

[00:50:45] This is also evident Highline's recently adopted equity policy and shared across the other partners that are being brought together, the other school districts and many of the other entities.

[00:50:54] [Unclear] Aviation is an example of this innovation, focusing on partnerships and career oriented learning.

[00:51:03] Additionally, Highland's bold goals to have all students graduate bilingual and bi-literate is an example of our commitment to equity, specifically valuing who are students are and who they can be.

[00:51:13] With our experience and innovative approach, we are very excited to embark on launching this new school.

[00:51:19] As we enter the next phase of planning and working together, we will begin tackling 1001 details and logistics, and through that work, I know our common focus on equity will be our guide.

[00:51:31] I look forward to the ongoing work and the many benefits it will yield.

[00:51:36] Thank you. And unless there are others signed up, I don't see that there are.

[00:51:42] That concludes our public comment session.

[00:51:45] Yes, please. I also just want to acknowledge we've got former board member Joe Geary here as well, who has been instrumental in the crafting of the model that was selected by the advisory group.

[00:51:56] So thank you for coming, too.

[00:51:58] Thank you.

[00:52:01] So I will now advance the unanimous consent agenda, the consent calendar, rather.

[00:52:06] And I don't believe there are any items that have been requested to be removed.

[00:52:10] And so with that, the chair will entertain a motion to approve the consent calendar covering items 6 A through 6 E.

[00:52:20] Is there a motion?

[00:52:21] I motion to move.

[00:52:22] I second.

[00:52:23] And seconded. All those in favor say Aye.

[00:52:25] Aye.

[00:52:26] Opposed say nay.

[00:52:27] The motion carries the consent calendar is approved.

[00:52:34] That brings us to agenda item 7A: Noise Program's briefing.

[00:52:40] Commissioners t his item is a briefing regarding the longstanding noise mitigation program that traditionally insulated homes and Highline schools and Highline College buildings.

[00:52:50] The program has made positive progress over the years, as will be noted in today's briefing.

[00:52:54] However, there is still large amounts of noise abatement work yet to do.

[00:52:58] In addition to more homes and schools, the upcoming work will include apartments, condominiums and gathering places like churches.

[00:53:05] The briefing will explain what work is completed and what work is to come.

[00:53:08] This will be followed by a motion for Commission consideration to accelerate the remaining installation work to benefit the community surrounding the airport.

[00:53:16] At this point, I'll turn it over to our presenters Lance Lyttle, Arlon Purcell and Stan Shepherd.

[00:53:22] Thank you. Commissioner.

[00:53:23] Then Executive Director Metruck.

[00:53:25] Today we want to share information about the airport's ongoing noise programs and on the possibility of acceleration the sound insulation program.

[00:53:34] This acceleration is for the programs already approved in the Port's earlier noise remedy study called the Part 150 update.

[00:53:42] Accelerating these programs mean that the work we have already planned to do continues.

[00:53:47] In addition, we're able to do more insulation, sound insulation in the cities around the airport.

[00:53:54] These programs include insulating several apartments and condominiums, complexes, places of worship and even voluntary acquisition of some homes and apartment complexes.

[00:54:05] By accelerating this work, we reduce noise impacts sooner on residents around the airport.

[00:54:11] We know this is very important to the community and has been raised at our Noise Advisory Roundtable.

[00:54:17] We will also discuss the risk associated with accelerating these programs.

[00:54:21] And I want to thank the staff involved for their hard work in assembling this information for you.

[00:54:26] Now, I'd like to ask Arlon Purcell and Stan Shepherd to begin the briefing today.

[00:54:31] Thank you, Lance. Good afternoon.

[00:54:34] Commissioners and Mr.

[00:54:35] Metruck. I'm Arlon Purcell, Director of Environment and Sustainability for the airport.

[00:54:39] And I'm here with Stan Shepherd, Senior Manager of our noise programs.

[00:54:44] We're here today to talk about noise programs in general, but also, as Lance mentioned, a concept that we're very excited to pursue, which is acceleration.

[00:54:55] Acceleration of our sound insulation program does have risks associated with it and we are going to discuss those today, but also demonstrates our commitment to reduce noise impacts in our near airport communities.

[00:55:07] Our briefing will be followed directly by a motion to provide direction, and we look forward to Commissioner guidance on that question.

[00:55:14] So now I'll turn the presentation over to Stan Champion.

[00:55:19] Good afternoon, commissioners and executive director.

[00:55:22] So today I'm going to go over four main points in this presentation.

[00:55:27] The Noise program's overview to give you an overview of what all the noise programs are comprised of and then move to our sound insulation programs that are ongoing.

[00:55:35] And then we're gonna move into what we're really here to talk about is the acceleration of those sound installation programs and provide you a recommendation on that.

[00:55:47] So the airport noise programs are really comprised of four different areas.

[00:55:51] We have noise abatement focusing on where the aircraft are flying within the sky and how the noise that is emitted from those aircraft and how it is impacting the community.

[00:56:01] We also work with the FAA on a regular basis just to make sure they're aware of everything that's going on with our noise abatement programs.

[00:56:09] We also worked with community outreach.

[00:56:11] So anytime we can get out into the community, we're happy to do that and provide them with the information on our programs.

[00:56:17] We have a noise hotline that we answer in our office and have also a recording that you can leave comments on.

[00:56:24] We get about a thousand complaints a day or even more during the summertime on that.

[00:56:29] We have the noise monitoring program.

[00:56:33] So we have 24 permanent noise monitors and at Commission direction, we have also purchased two additional portable noise monitor and are in the process of purchasing three additional for that program.

[00:56:46] We are currently working on training for staff.

[00:56:49] We're setting up procedures, legal agreements with our legal department.

[00:56:52] And we're working on some outreach details right now.

[00:56:56] And we'll get back to you with a little more on that information as we progress on that.

[00:57:01] We're also testing the two portable noise monitors in the house right now that we have and making sure that they're operating correctly before we get those into the field.

[00:57:10] Sound insulation is our last one on the list here, so it's noise mitigation actually consists of acquisition programs and sound insulation.

[00:57:19] I just want to mention that sound insulation really is comprised of putting sound rated windows, doors and ventilation systems in homes to reduce the noise within those homes.

[00:57:30] We're going to talk a lot about more of that as we progress along in this presentation.

[00:57:39] Where we've come from in the past, we've had this program going since 1985 with our sound installation programs.

[00:57:45] We've insulated a lot of buildings out there.

[00:57:48] So you can see the list here, nine thousand four hundred homes and then working with the Highline School District.

[00:57:53] And I'll have more information on this Highline school district as we go along also.

[00:57:57] We have completed five condominium complexes in the past in a bunch of buildings at the Highline College campus.

[00:58:05] A lot of acquisition programs have been underway with mobile homes.

[00:58:08] Since mobile homes can't be adequately sound insulated, the preference is to go ahead and purchase those homes and relocate them.

[00:58:14] So we had five parks that were very close into the airport that that was accomplished with.

[00:58:22] So total cost on that is around 300 million to one hundred million dollars on acquisition, 300 million on sound installation programs.

[00:58:33] The other aspect that we have in our in our programs is these SeaTac Stakeholder Advisory Roundtable, which was established in 2018.

[00:58:42] We also have a sub noise working group with that that consists of community partners and our airlines and airport staff working on ideas on where we could actually find noise reduction within the programs that we have.

[00:58:57] So to start at the top here, we have what we call a late night noise limitations program.

[00:59:02] This one began in 2019 as a way to actually try and find ways to reduce noise from the loudest aircraft operating during the nighttime hours.

[00:59:11] So we established some noise thresholds around the airport and aircrafts that fly over those noise monitors and break that threshold are then identified.

[00:59:20] And we contact those airlines and try and actually either remove those aircraft from the nighttime hours or change them over to quieter aircraft.

[00:59:29] That's a voluntary program, is it not?

[00:59:31] It is.

[00:59:32] I just want to be clear about that.

[00:59:34] Yep. Very, very good point.

[00:59:36] So one success we've had is Eva airlines recently gave us some exciting news where they will be switching out the triple 7 aircraft during the nighttime hours to a 787, which is a dramatic noise reduction gave for that aircraft switch out.

[00:59:49] So that's a big success that we've had with that program already.

[00:59:53] What airline is that?

[00:59:54] Eva airlines.

[00:59:57] The other one we have is the ground-- or the runway use agreement.
[01:00:00] That's where we're trying to reduce the use of the runway or the third runway during the nighttime hours.
[01:00:06] And we've worked with the FAA to accomplish that.
[01:00:09] We went from approximately 20 aircraft flying into that third runway on approaches during the nighttime hours to approximately just one or two during the night.
[01:00:17] So another success on that program.
[01:00:19] We're undertaking a ground noise study now also to try and figure out what kind of noises are being emitted from the airport.
[01:00:26] And if there are ways we can actually try to find to mitigate that noise from getting out in the community a little better.
[01:00:32] Whether it's from operational procedures that we can change or if it's from actual physical structures that could be helped to accomplish that.
[01:00:41] We also have on our 3-4 right glide slope, that one is a slightly lower glide slope than the rest of them based on some very old technology.

[01:00:49] So we're looking at ways to increase that glide slope.
[01:00:56] This one there, just to give you an idea of what we also do in the offices, we track every aircraft that comes into and out of the office.
[01:01:02] This is just like, I call it noise art.
[01:01:05] What it really is, is just showing every aircraft that came into and out of the airport on the approach.
[01:01:11] This is an example of a south flow operation.
[01:01:13] So the red lines are approaching the airport and the green lines are departures out of the airport.
[01:01:18] We know what every aircraft is.
[01:01:20] Each line represents an aircraft.
[01:01:22] And we know the statistics on that also.
[01:01:28] We also have what we call a Part 150 where it's the section of the FAA regulation that guides our Port noise programs.
[01:01:35] As long as we are accepting grant money for noise programs, we have to follow the FAA regulation, which is the Part 150.
[01:01:42] It's an opportunity for us to go through it and really evaluate all of our noise programs and see if there's something we could change or do better with that.
[01:01:51] When we had to take a Part 150, we evaluate the noise impacts within the community and try to find ways to mitigate the noise in that community.
[01:01:59] So eligible mitigation includes residential housing and some public buildings that could be eligible for sound insulation program.
[01:02:06] Once the FAA approves our mitigation plan, then what it is it provides us the ability to apply for FAA funding grants on that at approximately 80 percent of the project values.
[01:02:20] Stan, just a quick question, so according to the memo before 2014, the last-- the previous Part 150 was 1985.
[01:02:29] Is that correct?
[01:02:30] No, the previous Part 150 that 2014 was completed in 2002.
[01:02:37] Ok. That wasn't in the memo.
[01:02:38] So then when would be the next one.
[01:02:41] And so I'll address that a little bit because there's overlap with the environmental review.
[01:02:46] So as part of the environmental review for the SAM near term projects will be preparing noise contours and those noise contours, sorry, will show whether there's been a change from the ones that Stan is about to show you and where those changes are based on that information.
[01:03:04] Then we will coordinate with FAA on the decision to formally update the maps for part 150 and then do a Part 150 program.
[01:03:12] So, don't know the exact timing on that, I know that was your question, but--.
[01:03:15] Thank you.
[01:03:19] So just hypothetically.
[01:03:23] So let's say the contours became narrower.
[01:03:26] Because planes got quieter, but we had obligations previously that we had not completed for when the planes were louder.
[01:03:36] But those were never done. So I'm just wondering, is this retroactive?
[01:03:43] So that's a really good question.
[01:03:45] And it does get sensitive and tricky because technically if the contours are narrower and a residence is no longer within the contours, then they are no longer eligible for the FAA reimbursement as part of a Part 150 program.
[01:04:02] If that situation were to occur, we would need to think about how to treat those.
[01:04:07] But the only reason that's the case is because we didn't get to it yet.
[01:04:12] Well, again. And so the reason I'm not, I'm saying I don't know how this would turn out is for that that factor.
[01:04:19] So if I.
[01:04:20] Again, this is hypothetical.
[01:04:22] We don't know what the differences might be.
[01:04:25] I just wanted to raise that question.
[01:04:27] Serious consideration when and if that.
[01:04:30] And this is a two factor qualification, correct?
[01:04:34] There is the noise contour and then once you are deemed within the noise contour, then a test is done in the residence, is that correct?
[01:04:42] That's correct. And I'm going to be going over that.
[01:04:44] Just being within the noise contour does not ensure that you are qualified.
[01:04:49] You then have to go through the test.
[01:04:50] There's some other qualifications with it.
[01:04:52] In fact, including when it was built.

[01:04:54] And then it also has to go through that noise audit to determine the noise levels in the house.

[01:05:00] So one more follow up.

[01:05:02] So were audits done on these-- all the houses and just only some were updated or do we not know what those eligible houses were back in the day?

[01:05:16] Back in the day, we don't know that.

[01:05:19] All the homes that have applied right now for the program, the ones that we've had the applications for, we're moving forward with.

[01:05:26] We've completed some already in the past.

[01:05:29] Last year of 17, we've completed to this year we have another five or six, actually it's like twenty five that we're working on getting noise audits this year.

[01:05:39] So as homes trickle into the program, as we can convince these homeowners to come into the program, we're getting them qualified.

[01:05:46] And just for. Did anybody just cross check to see how they compared with Jesse's list?

[01:05:52] I have not seen Jesse's list.

[01:05:54] Commissioner. Bowman.

[01:05:55] No. I'm gonna let you-- I think we can answer the question two slides in, so.

[01:06:00] Okay. Okay. Okay.

[01:06:06] So we're going to start talking about that noise contour and how that noise contour is really depicted has been what we call a DN L, which is the Day Night Noise Level.

[01:06:16] It's a noise metric that is pretty common and used in the aviation industry.

[01:06:20] And it is also a required noise metric that the FAA requires us to use in evaluating our noise programs in determining kind of a boundary and eligibility.

[01:06:30] So DNL is really an annual cumulative metric and it has a 10db penalty for aircraft operating during the nighttime hours.

[01:06:40] That's when people are home for the most part and it's quieter during that time frame.

[01:06:44] So the FAA applies that db penalty.

[01:06:47] For every one aircraft that flies over, they apply that 10db.

[01:06:51] FAA requires it to be calculated through the airport environmental design tool, which contains an extensive database of aircraft noise levels for each aircraft type within that database.

[01:07:03] And it's the sixty five number that is significant because that's the area that the FAA really allows for mitigation to happen within.

[01:07:12] Let's switch to the next slide here.

[01:07:14] This just shows you the contours.

[01:07:17] And I put up two different contours here to show you the difference between the 1998 timeframe and the 2018 timeframe.

[01:07:25] So you can see in 1998, we had a lot of noisier, louder crafts out there that were like this 727 and some of the older 737s and older 747s.

[01:07:36] So that's a very large contour.

[01:07:38] And then the one that's closest in the red one is the 2018 projected from our last Part 150 you can see a lot of those aircraft were taken out of that service and it's become smaller, thus quieter within the area.

[01:07:53] May I have a question?

[01:07:54] This is back to Commissioner Felleman's earlier question.

[01:07:56] So in the memo, it says that, so you have the 1985 contour and there were, the memo says that approximately 10,000 homes were considered potentially eligible in 1985.

[01:08:08] But only 9,400 were completed.

[01:08:11] So that's 600 home delta.

[01:08:14] What happened to those when the new noise contour in 2014 came into being?

[01:08:19] We're down to about a thousand.

[01:08:21] I have the numbers in here as we go along somewhere.

[01:08:24] It's around a thousand that are left within that red contour that are eligible at this point.

[01:08:29] Now. The larger the nineteen eighty five.

[01:08:32] I don't know how many didn't choose to participate between that other area.

[01:08:36] Well your memo says 600 weren't done.

[01:08:38] So it could be about 600 then.

[01:08:40] But my question is so what happened?

[01:08:42] Are they still eligible?

[01:08:43] No, they are not.

[01:08:44] So anything outside of that

[01:08:46] red area between the green area and the red are no longer eligible.

[01:08:50] According to whom? FAA.

[01:08:51] Yes.

[01:08:52] Yes. But I think--

[01:08:54] But can I just be-- I want to make sure we're on the same page.

[01:08:56] So you mean that they wouldn't be eligible for FAA reimbursement of grant funds?

[01:09:01] We could not use FAA grant dollars on that program if any homes outside of there.

[01:09:07] Got it.

[01:09:08] Thank you.

[01:09:09] For further clarification. So the six hundred homes that she's trying to identify.

[01:09:13] Obviously, not everybody who's in the zone asks to be insulated and that's-- So do you know, do you have the sense of those six

hundred?

[01:09:21] How much were eligible and desired?

[01:09:25] Well, I'll put it this way.

[01:09:26] We've been sound insulating out there, I have another slide that I'll show you here in just a second, we've been sound insulating since 1985.

[01:09:34] That's going out, that that's sending applications to people, that's identifying everybody that's eligible, they've done door-knocking out there on numerous occasions in the last-- It's trying to get those people to participate in the program and they have not participated in the program.

[01:09:48] The ones that are left. And what we're finding now is, you know, there's a lot of reasons people that want to participate.

[01:09:54] Personal reasons, whatever it is.

[01:09:57] So we're finding now that the lot of those homes are now turning over with new homeowners and they're willing to participate.

[01:10:02] We're getting those homes in a little bit at a time more than we have.

[01:10:07] And we're still doing that, that outreach.

[01:10:09] So every year, probably twice a year, what we're doing is outreach to those homeowners that have not participated yet and trying to get them into the system.

[01:10:18] So do we have documentation that we actually touched all the homes that were eligible during that interval of time and that we, the amount of folks that actually responded and desired?

[01:10:32] We do have some documentation.

[01:10:33] It just would be good to know with it.

[01:10:36] Because it's obviously going to be a smaller number than the 600.

[01:10:38] But it's if they raise their hand and we didn't get to it.

[01:10:44] Well, how big is that number?

[01:10:45] Would be great to know.

[01:10:46] Ok.

[01:10:50] And this if you looked at the contour before, you can notice that this is almost identical to the contour.

[01:10:56] This is what we call the noise, very many boundary.

[01:10:58] And it's it's got some jagged lines in there because what we do is we take the noise contour and take into account for natural boundaries such as streets, cul-de-sacs, communities, parks, that sort of thing, and try to be more inclusive.

[01:11:11] So this is an area that is more inclusive to that than the noise contour actually was.

[01:11:17] And this is the area that the FAA allows us now to go in and do that mitigation.

[01:11:22] So you'll see the big boundary is based on that 1985 and when we went through the last Part 150 study the FAA required us to go through and reduce that to match the contours.

[01:11:32] So you'll see that smaller one on the inside there, which is the red one.

[01:11:36] Stan. I just-- may I just ask that if we can just be really accurate when we're referring to what the FAA allows us.

[01:11:43] They allow us to get grant reimbursement.

[01:11:46] We can go in and do whatever we want with our own money.

[01:11:50] But the FAA, if we want grant reimbursement, we need to follow their rules.

[01:11:53] Yeah, as long as it's not airport revenues also because that is also regulated.

[01:11:59] Thank you.

[01:12:00] Yeah.

[01:12:06] So here's the. We had this question earlier.

[01:12:08] Sound installation requirements.

[01:12:11] For one thing, it has to be inclusive to that boundary is what we look for in our programs.

[01:12:16] And then the homes built in 1986 in Des Moines or 1987 after that time frame are not eligible because that's when the communities actually enacted building codes that either met or exceeded those building requirements that the FAA had in place for noise reduction.

[01:12:34] So that's that the timeframe that we have in our program.

[01:12:37] It also requires that homes, homeowners sign an avocation easement on that property.

[01:12:43] So a n avocation easement gives the Port air rights over the property, is required by state law, and encouraged by the FAA also.

[01:12:52] And what it is, is that also gives the Port the asset on that property.

[01:12:57] So we can't just give something away.

[01:12:58] We have to get something in exchange for it.

[01:13:00] And in exchange is that that avocation easement as the asset.

[01:13:07] So it's one thing to have the air rights, but let's say all the sudden we wanted the planes to fly or FAA wanted the planes fly a couple of thousand feet lower.

[01:13:17] The air rights are the same?

[01:13:18] As the air rights are the same, but there is a DNL number that's located in that avocation easement.

[01:13:25] And if there's, I believe, a one point five DNL change on that number, there could be some questioning on it.

[01:13:35] Ok. So but there is a determined threshold.

[01:13:38] That it's not just unlimited.

[01:13:40] Correct. Yes.

[01:13:47] In 2019, as most of you are aware, the Port went through a noise audit or an audit to the noise programs, or the internal, and they reviewed the sound insulation programs under the first Job Order contract and it identified some areas of concern and improvement regarding the contracting.

[01:14:05] So after that, additional controls were put into place by the Central Procurement Office, including additional reviews of contracting and

oversight committee consisting of cross divisional staff and controls of allowable line item pricing with it.

[01:14:18] So there's a lot more controls that were put into place for job ordered contracting with these programs.

[01:14:24] The CPO is still the lead department on managing the JOC.

[01:14:32] So now I'll just transition into more of our ongoing sound insulation programs and tell you where we're at with those.

[01:14:44] This chart here at the top gives you an overview of the single family sound insulation program.

[01:14:49] We've completed 17 homes in twenty nineteen.

[01:14:53] Two of them completed to date this year.

[01:14:56] One hundred and forty remain potentially eligible.

[01:15:00] And that's still based on all the criteria that we need to place on that.

[01:15:04] And we're working through 40 additional applications right now to determine the eligibility with those.

[01:15:10] We have a goal to complete at least 10 or more this year and we'll be coming back to Commission next month for an approval of an A&E contract to continue on with that program.

[01:15:21] Are the addresses of those places publicly knowable?

[01:15:26] They're in our office. So it's a public document.

[01:15:28] I mean, so if we're not cross-checking for Jesse, he could do so.

[01:15:32] Yes.

[01:15:34] May I just have a quick question?

[01:15:35] So I'm just curious so. Seventeen in twenty nineteen.

[01:15:38] How does the staff determine which homes they're gonna be retrofitting?

[01:15:45] We take the applications that come into the office and it's typically just as the applications come in, we start to turn them over to the consultants and the consultants go out to the home and do the noise testing on those and determine eligibility with that.

[01:15:57] So it's kind of a first come, first served basis right now.

[01:16:00] And how long does that process take from when the application comes in to get--.

[01:16:05] Six to nine months sometimes, because what we have to do is make sure they're in the contracting phase, they are eligible for the program.

[01:16:14] We require them-- Here 's one of the harder issues that takes place it's required for them to get what we call a subordination agreement on the property.

[01:16:24] What happens is we have an advocacy or-- if we're going to put an advocacy easement on a property that has a mortgage on it-- if we don't get a subordination agreement from the lender, then we risk losing that advocacy easement if the property goes into bankruptcy or default, so they're required to sign a subordination agreement with the lender.

[01:16:47] That takes an enormous amount of time to get that through this.

[01:16:52] Probably most homes have mortgage.

[01:16:54] Most homes have mortgages.

[01:16:55] We're finding that that's one of the biggest challenges we have right now.

[01:16:59] Can we just put a pin in that?

[01:17:00] I 'd just like to understand if there's any way to help homeowners get through that process a little more quickly.

[01:17:05] Yeah, we're definitely.

[01:17:06] Okay.

[01:17:07] Yeah, that sounds like a big stumbling block.

[01:17:12] OK. OK.

[01:17:14] OK. Continue.

[01:17:16] The other thing we want to touch on today is the failed windows.

[01:17:19] So there are two potential issues kind of here, failed windows.

[01:17:25] We know that there was a manufacturer that happened, that we were using in the 1990s called Alpine Windows, that they had a higher than normal failure rate on those windows.

[01:17:37] Alpine went into bankruptcy in about the year 2000 and stopped honoring the warranties.

[01:17:42] And there's about 5,000 homes out there that have those windows.

[01:17:46] So we know that that's an issue.

[01:17:48] We also know that the homes in 1985 through the 1990s are now getting old.

[01:17:54] Those may be hitting their lifespan on those, too.

[01:17:57] So those may start to fail.

[01:18:00] What typically is identifying a failure is we're seeing some of the interior seals warping within between the frames.

[01:18:09] We're seeing some of the rails maybe not working.

[01:18:12] And the obvious sign usually is if there's some fogging up the windows in that.

[01:18:16] So that's something that's coming up.

[01:18:19] As you've noted, there is some state legislation is currently being proposed to allow the Port to undertake replacement of those products, giving the ability to do so.

[01:18:28] And it's my understanding that that is now in the Senate Rules Committee.

[01:18:32] And so why, since the FAA is funding much of this, why do we need state approval for replacement?

[01:18:40] approval actually gives us the ability to go into a parcel one time.

[01:18:45] And it specifically states that within the state codes.

[01:18:50] So we're trying to work with that to get that changed also.

[01:18:57] It just seemed to me that-- I don't understand why they have jurisdiction over this.

[01:19:02] They're not paying for it.
[01:19:03] The state's not paying for it.
[01:19:05] It's the state that charters the Port and gives us our ability to do the work that we do.
[01:19:09] And it also outlines all of the noise programs.
[01:19:13] But the the idea is that it's not the FAA that would fund the replacement.
[01:19:17] It would be us. And so the state is telling us it's your obligation to fix this, even if you don't get FAA.
[01:19:24] Right.
[01:19:25] The proposed legislation would just give us the authority to conduct it and then we need to do it with our own funding.
[01:19:31] And how many of these homes do you know, that are part of the nineteen eighty five contour versus the 2014 contour?
[01:19:41] Yeah, I don't know that actually.
[01:19:42] Yeah.
[01:19:43] That would be great information to look into.
[01:19:45] Ok. So it seems to me there's something very distinct about failure.
[01:19:49] One is life span.
[01:19:51] The other is this, you know, defect.
[01:19:55] Right. And so it wasn't sort of like a a failure of ours.
[01:20:01] T his company had some bad seals.
[01:20:05] So the FAA doesn't have any acknowledgement of that.
[01:20:10] That's one thing that something, you know, the single pane glass will last longer, right.
[01:20:15] But so.
[01:20:16] So we know this has got a finite lifetime.
[01:20:18] But if one is clearly shown to be defective, FAA can't come back and help sponsor the reimbursement.
[01:20:24] Yeah. The FAA has not been able to do that.
[01:20:26] In fact, there's a lot of discussion on the national level with this same issue.
[01:20:30] This I mean, not not just a bad manufacturer, but products around the United States that were put into the 1980s and 90s.
[01:20:37] You know, they're getting past their lifespan, too.
[01:20:39] So there's a lot of discussion on the national level with other airports and the FAA to see if there's a solution to this at some point.
[01:20:45] Is there any way to tell whether some of the problem was actually the installation itself with a adequate window?
[01:20:54] I h aven't seen a
[01:20:56] Bad installation that caused the window to fail.
[01:20:59] I haven't seen that. I have seen a bad installation that we found at one point and we were able to go in and fix that.
[01:21:07] So.
[01:21:08] That's what we've audited for installation as well as for quality of product.
[01:21:13] Yeah, I think the installation has from what I've seen has been fairly decent in the past.
[01:21:18] I mean, we have some great contractors now I know that.
[01:21:21] But you know, from this installations that I've seen back that were happening in the 90s when I went back and looked at some of those windows.
[01:21:28] I haven't seen a lot of failures.
[01:21:30] I mean, there was a lot of product failure in the early 80s because of the relative newness of the application of insulated glass
[01:21:38] when the energy code went into place.
[01:21:41] So it's pretty widespread and fairly easy to detect.
[01:21:44] But the installation doesn't really affect the unit glazing, seals.
[01:21:50] Yeah. Back in the the early 80s t here was a concept of putting like a storm window on the on the interior of the house and that was that was bad.
[01:22:02] I mean we had to go back in to find all those homes and take those out because it became an egress issue.
[01:22:08] That's how they really started to find how to do these products and get through them and tell these newer SDS rated windows came out.
[01:22:20] So upcoming, what we have going on right now also is we have condominium complexes being in the program.
[01:22:30] So we have one which is called Villa Enzian and it's south of the airport.
[01:22:33] This is a picture of Villa Enzian, and in fact, it's a picture of us trying to sound audit this building.
[01:22:38] So we had to haul a big speaker up on top of the building in order to put it on top to see where the intrusion and the noise is coming from the upper portion of it.
[01:22:46] Just an example of that.
[01:22:48] But three complexes in that.
[01:22:50] So we're doing the first one and a couple more coming up soon.
[01:22:53] So we'll be coming back to Commission for another procurement or major works in Q3, also for this Villa Enzian project.
[01:23:05] So I didn't.
[01:23:06] So does this include attic insulation as one of the.
[01:23:10] Because I didn't see that listing.
[01:23:12] It doesn't. So that isn't typically an area that provides a significant noise reduction.
[01:23:19] The areas they get noise reduction from are the windows, the doors, the chimneys, the areas that really are the thinner portions of the house.
[01:23:26] So what's the speaker doing?
[01:23:28] On this one actually, there are skylights and there's some upper windows up there.

[01:23:32] So that's what we're trying to get in.
[01:23:34] But also the the ceilings where you get your best value improvements that--.
[01:23:38] We get at our value for energy efficiency, but not noise reduction.
[01:23:42] So you we couldn't get a two-for out of that?
[01:23:46] The FAA doesn't play pay for energy efficiency.
[01:23:49] No, no. I'm just saying, though, we don't get FAA funding to replace the best source of improving insulation.
[01:23:56] Right.
[01:24:00] Apartment sound installation is another outcome of the Part 150 that we had, and there are 18 potentially eligible complexes out there in all the jurisdictions basically surrounding the airport, we know there's about 903 units.
[01:24:14] Our estimated time to start this project is 2022 under the current CIP plan.
[01:24:21] We also have places of worship.
[01:24:25] That is expected to begin in 2024 with seven structures, and that just presents some very unique challenges for us not to say it hasn't been done.
[01:24:33] There are architectural and acoustic consultants around the United States that have done this for other airports.
[01:24:40] I just put the window on there for an example.
[01:24:42] How do you cover that kind of window with acoustic grated windows to get the noise reduction?
[01:24:46] So finding some unique challenges that we can figure out with this one.
[01:24:54] Another one is the what we call an approach transition zone, it's about two thousand five hundred feet past that runway protection zone.
[01:25:03] We had the same thing at the north end of the airport where we went through and had completed the purchase of those homes in about 2009.
[01:25:13] This is proposed to be a voluntary acquisition area south of the third runway in this approach transition zone.
[01:25:21] Approximately 16 single family homes and six apartment buildings in that area.
[01:25:25] And again, it is planned to begin in around 2023 under the current plan.
[01:25:33] Can you just. What is no relocation?
[01:25:36] Can you just.
[01:25:37] Yeah.
[01:25:38] If it's a voluntary acquisition plan, this would be trying to help the people get out of the area if they wanted to.
[01:25:46] The community in that area.
[01:25:48] So it wouldn't be proposed as a paid relocation program.
[01:25:54] So we're just purchasing their home.
[01:25:56] Yeah, that's it.
[01:25:57] Yeah. Okay.
[01:25:59] But this policy has always been in place?
[01:26:02] Since the third when we went up that people could have asked to get bought out in that zone?
[01:26:06] Not in the south approached transition zone, we had moved forward at this project.
[01:26:10] There was a lot of questions with it with the 509 rightaway, which is the WASHDOT area that goes right through that center portion there on where they were gonna purchase land.
[01:26:20] They have purchased a lot of the homes through there and just understanding what that area would be like when they were finished.
[01:26:28] So.
[01:26:35] The Highline School insulation, we have a memorandum of agreement, which was signed in 2002 to help fund the reconstruction of schools impacted by noise.
[01:26:44] This was a \$100 million agreement between the Port of Seattle, the FAA, to provide funding for those reconstructions.
[01:26:53] And it is a combination of FAA grants, Port of Seattle Airport revenues, and it is the one source of tax levy funding that the airport uses.
[01:27:05] Nine schools have been completed, six more schools remain.
[01:27:08] And it's really dependent, completely dependent on the district's construction schedule and the need for a voter approved bond to move forward with each one of those schools.
[01:27:19] So we're just kind of holding on until they come forward with their construction plans in order to help participate in that program.
[01:27:26] The picture on the right is the Des Moines Elementary School, which was just completed last year and we are now working with them on the Highline High School, which is under construction.
[01:27:36] So very nice schools.
[01:27:39] And this is just a list of the schools that we've completed and have more to complete.
[01:27:45] Below the Green Line are the ones that are still left to be completed, about \$32 million remaining.
[01:27:55] And just a quick picture of where they're at in relation to our boundary and this is the current boundary that we had showed earlier.
[01:28:03] So they're kind of all around the area.
[01:28:06] Is there a prioritization of those remaining schools that are--.
[01:28:11] Completely dependent on
[01:28:12] the FAA's construction schedules.
[01:28:14] So what they prioritize through their school board and bring forward.
[01:28:24] And now what we're going to jump into is going to transition into talking about what is this concept of acceleration and how we can accomplish this.
[01:28:36] So I'm going to talk about two approaches.
[01:28:38] There's the current practice, which really gets us all of our programs done under the current CIP plan in the mid 2030s.
[01:28:46] And then we're going to talk about going into a proposed plan of acceleration, which kind of condenses that down to be completed in the

2027 range.

[01:28:57] And I'll talk more about each one of these bullet points as we move along here.

[01:29:03] So the goal with acceleration is really trying to deliver on our part 150 commitments as quickly as possible.

[01:29:10] It increases the rate of installation to get everything completed sooner.

[01:29:14] And one of our goals will be to not compromise cost or quality with the projects as we move along.

[01:29:26] On this slide, what I'm trying to show here is the projects listed are everything that we have approved in our last part, 150 and potentially eligible.

[01:29:35] So it's our current practice.

[01:29:37] It's gonna take us right now 15 years with the schedule, the staffing, the money that we have to get through this.

[01:29:43] You can see the whole list up there things that that are eligible.

[01:29:47] And the yellow really represents the what we're undertaking in the next four years.

[01:29:54] The blue column shows the remainder of the work through 2035.

[01:29:58] All of the projects that we have with that.

[01:29:59] So it's about 150 million to two hundred fifty nine million in that range.

[01:30:04] What these projects consist of.

[01:30:06] But Stan, just a quick-- I just want to make sure that we're cognizant of the fact that this does not include the potentially 5,000 homes that have the failed window.

[01:30:15] Yes, the failed windows is not in this one.

[01:30:18] Right. So I just as we get further into the presentation about how we might address that, I just want to make sure that we are considering how we might do that.

[01:30:25] Okay.

[01:30:26] And this cost here is our cost or that 20 percent of that is our cost?

[01:30:31] This actually,

[01:30:32] That's a good point, because what this does is it takes into account that we know that the FAA will most likely fund this plan because it takes into what we know is our CIP plan.

[01:30:43] We presented this to the FAA and it's slow enough to actually get the AIP FAA funding into it.

[01:30:49] So it's about 80 percent of that cost is going to be FAA grant funded, 20 percent our costs.

[01:30:56] So it would be good to show that this number is only 20 percent of that is what's coming out of us.

[01:31:01] And the that's mainly the yellow column right now.

[01:31:05] But you're looking at total estimated cost that blue column?

[01:31:10] That's just for the blue column?

[01:31:12] [Crosstalk].

[01:31:14] So I just think that that that number should be shown as a 20 percent.

[01:31:18] Right. So 52 million would be essentially our obligation if we were to continue with the current funding.

[01:31:24] Right. About 30 million to about 52 million.

[01:31:27] I use the high number.

[01:31:29] Yes. Yeah. Yeah.

[01:31:30] That total estimated cost number range is before FAA reimbursement.

[01:31:38] Just want to show you the uncertainty, too, because we're really at what we call the class five on the very left, so we haven't got into any of these buildings and we don't know the exact cost estimates.

[01:31:48] So it's it's a huge range.

[01:31:49] That's why you're seeing a very big range of differences on the figures.

[01:31:55] The current practice scenario, the plan plays within the current five year funding plan, it really doesn't take away from funding from other capital projects at this point.

[01:32:06] The grant funding is more likely with these scenarios and the downside of this, it's going to take us a long time to get it done.

[01:32:12] That's the big downside with it.

[01:32:15] Can we just stick on this for one moment?

[01:32:16] I wanted to just. I was going to talk about an earlier slide in.

[01:32:20] Steve, this for me is really important that we're really clear about what we're trying to accomplish.

[01:32:25] And for me, it's getting the most amount of homes done in the quickest amount of time and the most cost effective.

[01:32:32] And so I just I hope that we can come to some resolution about what exactly we're trying to achieve here, because that does influence what the pros and cons are.

[01:32:42] For me, the idea that a pro is it gives us a lower five year CIP is not a pro.

[01:32:49] I mean, if that's not, if what we're trying to accomplish is more homes more quickly and a more cost effective way, then that's not a pro.

[01:32:56] So, Steve, I really hope that you and the team and Lance can come to or with Commission direction, a really clear outcome that we're trying to achieve.

[01:33:05] Ok. Well, grant funding is an issue there on the pro side.

[01:33:09] So it is.

[01:33:11] I'm not calling that out, but I'm just saying again, it's those for me are the outcomes that we're trying to achieve.

[01:33:17] But we need to compare it against something.

[01:33:18] So it sounds like this is like about a million and a half bucks a year out of our pocket in that 2035 timeframe.

[01:33:27] With the 20. So it's about a million and a half dollars a year.

[01:33:30] So whatever we're going to do has to be relative to what this scenario would cost us, right?

[01:33:35] Yeah.

[01:33:37] And Commissioner Bowman going back to your goals on slide 25, it does talk about the principles, but I think your principles are included in there.

[01:33:47] Just, you know. That's right.

[01:33:49] I understand what you're saying about calling those out to say as we're going forward, we're making our decisions.

[01:33:54] We need to keep those front and center about.

[01:33:56] We just need to be. I mean, if you go back to that slide, you know, it's sort of.

[01:34:00] We've buried the lead.

[01:34:01] It's provide relief from noise, burn and sooner.

[01:34:04] Yeah, that needs to be at the top.

[01:34:05] That's what we're trying to accomplish.

[01:34:07] And then these are the ways by which we do that.

[01:34:09] So that's what I'm just I want to be really clear about what the outcomes are here.

[01:34:14] One more thing, I guess to underscore.

[01:34:17] The point is that we're behind schedule.

[01:34:20] Right. So this desire to get her done is to catch up.

[01:34:25] Right. So I think that's just an important time framing.

[01:34:29] So that's the current scenario he's showing.

[01:34:32] The accelerated one will show the advantages that you're talking about Commissioner Bowman.

[01:34:35] You'll see that in the upcoming slide over the next two slides.

[01:34:43] All right, so let's let's move on to that one that it's the accelerated schedule now takes into all of those programs that we had on the other slide.

[01:34:51] We condensed that into a seven year scenario.

[01:34:54] So we've met with a lot of our staff and program management to everything and what's reasonable and feasible that we can move forward with.

[01:35:02] And we believe that that this meets that criteria.

[01:35:06] The big thing that you'll see that's a change here is you'll see all 18 of those apartment complexes.

[01:35:12] Nine hundred three of them put into that time frame also.

[01:35:15] So we've got a lot of work to do that we can condense into it.

[01:35:18] It doesn't lower the cost just a little bit down to one hundred thirty two million to two hundred twenty seven million based on the reduced escalation on there for the years, getting everything completed within that twenty twenty six timeframe and.

[01:35:38] Right, I would just add to that.

[01:35:39] In response, Commissioner Bowman to your earlier question, this also does not include the failed packages in terms of timing cost or any of that.

[01:35:48] So we'd really have to figure out how to work that.

[01:35:54] Clarification, we're talking about the same projects being done, just done, being done a little earlier because you just mentioned something that this would allow us to get to something.

[01:36:06] We wouldn't have done otherwise.

[01:36:08] No, no. If you look at the previous, see if I can go back here.

[01:36:14] See if you look at the twenty twenty to twenty, twenty four time frame, it only has a one apartment complex in one place of worship in there.

[01:36:22] What we're doing is taking all of that time frame into the seven year scenario and condensing it down into twenty twenty six.

[01:36:30] So it's just taking all those out and making.

[01:36:31] That's what it is, what it is.

[01:36:34] But it saves money.

[01:36:35] Which is the amazing thing.

[01:36:37] So.

[01:36:43] So for the accelerated schedule, getting it done quicker, this provides noise reduction to the community in a quicker timeframe, provides lower possible costs based on escalation.

[01:36:55] It will require more staffing and resources for this and some dependency on the ability to hire contractors and obtain products.

[01:37:03] So it may put a strain on the industry.

[01:37:06] If the manufacturing is very-- we don't have a lot of manufacturers for these STS rated windows, so if other airports are ordering and we're ordering, it could put a strain on the industry for that also.

[01:37:21] So how we're working things today, how are our programs work is Port staffing for each project and oversight so we have internal for the noise programs.

[01:37:30] We do a lot of the homeowner outreach and working with them in the documents and we have project management working with us.

[01:37:37] The noise and specialty and A&E firms, these are all consulted out, acoustical testing is consulted out, and our contractors are contracted to complete the work.

[01:37:53] You want to do this now, but could somebody send me later a complete list?

[01:37:56] I think I've seen it before about all of the different positions and who's doing what.

[01:38:01] I don't need exact firm numbers, but I know that we have a small team is where we end up internally in almost all of this is done by outside vendors.

[01:38:10] Yeah.

[01:38:12] So we've also been asked to take a look at in-house staffing options.
[01:38:19] So it's really just reviewing options of bringing all of the trades in-house for working.
[01:38:25] Preliminary work on this analysis has done and more will need to be done.
[01:38:30] This could apply to all elements of the program or maybe just some elements of the program.
[01:38:35] Others could be contracted out, too.
[01:38:38] And I would just want to be clear on this one, because this isn't exactly stated properly, because I've been the one asking for more information about what it would look like if we brought some of this in-house.
[01:38:48] It's not all in-house.
[01:38:50] I recognize that are certain contractors that have a specific skill set that we don't need full time at the Port.
[01:38:56] So I just want to make sure as we're moving forward, we're delineating between the two.
[01:39:01] You're right. I mean, we were looking at some options of specialty things.
[01:39:04] And then the other thing, if I may, and then I'll I'll stop.
[01:39:06] But I just wanted to make sure that as I know that as you looked at this option and you're gonna continue to evaluate it, according to Mr.
[01:39:12] Metruck, that we are-- you will be looking, Steve, at the 5,000 packages that failed, because I know that the initial look at it was just these homes within this 15 year plan.
[01:39:23] The residents, places of worship, et cetera, and not considering the possibility that we might go back and do the 5,000.
[01:39:30] That changes the denominator considerably.
[01:39:33] If we were to-- if that legislation passes and we're to undertake that.
[01:39:38] Well, I would also request that if this option in house, so-called in-house option is further studied that it be studied as well in comparison with the acceleration plan, because if it doesn't accelerate.
[01:39:56] Why are we doing it?
[01:39:58] Why are we looking at it?
[01:40:00] We're looking at the overall-- going back to principles.
[01:40:03] [Crosstalk]
[01:40:05] It as to be compared side by side with the acceleration plan if it's going to be taken seriously.
[01:40:10] So in the timeframe for these, you know, it could be anyway.
[01:40:16] So we're continuing that work and that's when I'll get back to you.
[01:40:19] Five thousand referenced.
[01:40:21] A re they all houses?
[01:40:24] Are they putting those condos?
[01:40:26] Are they all within the current DNL, all boundaries?
[01:40:30] Or are some of those outside of the-- in the old boundaries?
[01:40:33] Most likely some are outside the old.
[01:40:35] And is that a legal issue in that regard?
[01:40:37] And how does that get funded?
[01:40:40] We definitely need to to look into that.
[01:40:42] We don't have a program set up for that.
[01:40:44] Yeah, it would not likely be funded through any grant support, I'm guessing.
[01:40:47] Or state support.
[01:40:49] Correct.
[01:40:53] You know, one of the one of the appealing things of the program however it's done is the potential for apprenticeships and this kind of work that.
[01:41:02] There's so much work in home remodeling.
[01:41:05] You don't just have to be a skyscraper builder to get good jobs here and that this is like with so many of these exercises that the.
[01:41:13] I just think the potential for apprenticeship programs are -- can be potentially accomplished both ways.
[01:41:19] That in many ways I could imagine that we could have contracts that specify a certain number of apprenticeships that for your qualification to do the job is that, you know, to attach such obligations as we would otherwise.
[01:41:32] As well as the potential relative advantage of us doing it in-house.
[01:41:36] But I certainly would not want to miss this opportunity for the kind of labor while they're up there, they should put up solar cells, you know, whatever.
[01:41:43] You know what I mean? OK.
[01:41:49] And I'm not sure this type this slides titled correctly, further program improvements.
[01:41:53] It's really how are we going to move forward and how are we going to take a look at what we're doing if we're going to accelerate?
[01:41:59] So it's what we'd like to do is hire a consultant who will evaluate and structure and implement or talk about how we're going to implement this program.
[01:42:09] It's just to ensure we are using the efficient contracting methods and staffing and everything is setup correctly to move forward with it.
[01:42:19] We also are hoping to help create more synergies with the King County weatherization program to work together on projects that are eligible for both programs in the area.
[01:42:29] And we've had some great initial discussions on that process also.
[01:42:36] You know, I see-- one of the other potential synergies I saw was in your depiction of those schools that were completed versus I guess it's the pink ones that haven't been.
[01:42:48] It's two, four, six schools, six.
[01:42:51] And. And you said part of the FAA.

[01:42:55] Reimbursement program includes the H VAC?
[01:43:00] On schools it is.
[01:43:01] It's a part of the-- HVAC systems, anything associated with keeping it quieter inside.
[01:43:07] Yeah, I'm just wondering.
[01:43:09] Evaluation of HVAC and while they're there to report what those systems are and what their capabilities are for actually doing.
[01:43:18] H VAC work.
[01:43:20] The school actually hires all of the contractors and maintains all of that work.
[01:43:23] So we're really overseeing the work to make sure it fits with the federal procurement guidelines and then providing them the funding for that.
[01:43:31] But we could certainly understand.
[01:43:33] I think I know where your question is headed and we could certainly try to understand the capabilities .
[01:43:37] Just to have a characterization once those estimates are.
[01:43:40] Yes. Capabilities.
[01:43:47] So for the acceleration staffing needs, we need to add at least a few more additional employees or at least one to the noise office and one for the project management team to start off.
[01:43:59] And we propose to begin that just to understand the program and then work on future structuring after that.
[01:44:05] And we'll also we need to understand that there's going to be some additional support needed through external relations and cross divisional staff, center procurement office, legal department and everything else is going to have to have a role in this.
[01:44:20] Stan, can I ask. I'm sorry.
[01:44:21] Back to the previous side.
[01:44:23] To hire the consultant to evaluate, the structure and implementation, the program.
[01:44:27] Would that also identify some of the challenges that the program faces?
[01:44:31] For example, you said with the homeowners that have to get the sign off from the mortgage company.
[01:44:36] It would just be really great to understand every single one of the obstacles that we face in accelerating this program.
[01:44:43] That's exactly what I want to do.
[01:44:44] I got to let that last bullet point, just unforeseen risks out there.
[01:44:47] And what can we do to it?
[01:44:49] OK. That may be a wonderful, thank you.
[01:44:51] That was the first time I heard of that.
[01:44:52] I could see that being an incredible impediment.
[01:44:54] It is.
[01:44:55] And so what percentage of the time lag is that aspect of it.
[01:44:59] That would be huge to know that.
[01:45:02] Our staff and our consultancies have spent an enormous amount of time way beyond what I had ever been thinking on that.
[01:45:08] So I think identifying the impediments are ones that we could control directly or that could be state or could be federal.
[01:45:16] And I think identifying those so at least we have action plans related to removing those roadblocks.
[01:45:21] Yeah, it sounds like an addition to our legislative agenda for the state if it's state or federal, yup.
[01:45:32] So a couple of bullets I'd like to highlight on this slide is the first is that grant funding is not guaranteed.
[01:45:38] That's one thing we've talked about.
[01:45:39] So where's the funding going to come from if we don't have grant funding for that?
[01:45:44] We will pursue these projects as if they were in compliance with the federal procurement rules, because at some point down the road, the FAA could reimburse as for the money that we upfront on these projects.
[01:45:55] So they are reimbursable if we don't get grants.
[01:45:59] This could take away from other capital projects that need to be funded.
[01:46:03] And if the projects exceed \$10 million, they would be subject to an airline majority of interest vote also.
[01:46:10] So just really quickly on this, so you have it listed here.
[01:46:13] I'll just confirm with with our general counsel.
[01:46:16] Is there anything prohibiting us from using our general property tax levy to do this project, to do noise insulation?
[01:46:24] I know we already do it for some schools, Stan, as you mentioned.
[01:46:27] No, we would be able to use our levy funding for these kind of projects.
[01:46:31] There are a lot of considerations to take into account in deciding which homes to do and whether that be covered by the FAA or not.
[01:46:39] Right. But we do -- that just wasn't listed as a potential funding source.
[01:46:42] And I just want us to, again, if we're trying to accelerate the program, think outside the box, a different way to do it.
[01:46:48] I would, my personal view is that these homeowners are bearing the brunt of living near the airport, which everybody in King County uses.
[01:46:57] So I would be I'd like us to consider as we're going through the budget process, have a conversation about using tax dollars if we're looking for additional funding.
[01:47:06] And then the second thing I'd add is, Lance, I hope that we can talk about in our next SLOA, which is our signatory lease agreement with our airlines.
[01:47:14] I'm sure nobody knows what that means except for Lance that we would consider again looking for the airlines to pick up a little bit more of this cost.
[01:47:23] And let's be clear, if we don't get a positive MII vote, we still can go back six months later and do it anyway.
[01:47:32] So, again, I want to make sure we're being really clear about what the obstacles are.
[01:47:35] The airlines could say no, but we can still do it anyway, correct , Lance?

[01:47:39] Yes. Based on the current SLOA.
[01:47:41] Yeah.
[01:47:43] The question-- I just want to suggest that the probability of the FAA reimbursing is probably higher t he sooner you do it because we don't know what the program is going to evolve into.
[01:47:56] Not necessarily. So if we took all of those programs and put them in today's timeframe, the FAA said there's very unlikely they could provide that much funding to us.
[01:48:07] So, you know, when we look at farther out, it's it's maybe more probable that years down the road we can get reimbursed for those projects.
[01:48:16] That assumes the program still exists.
[01:48:17] But ultimately, it's the congressional appropriation.
[01:48:20] It's not FAA.
[01:48:21] Yeah, right. It's FAA discretion.
[01:48:26] Discretion.
[01:48:27] But if they had the money.
[01:48:29] To what extent have we notified or worked with the FAA to let them know that we're doing this ahead of time?
[01:48:33] I mean, yeah, we've worked with the FAA.
[01:48:35] We typically submit to five to 10 year grant schedule with what our projects look like.
[01:48:42] We've included all of this accelerated program just to say, hey, this is coming your way, heads up if you can do it.
[01:48:49] They-- we ask them, what do you think?
[01:48:51] Can you do it or not? They're not going to commit to it.
[01:48:53] They'll commit to saying, well, next year we'll give you a certain amount of grants.
[01:48:57] But anything past that they won't tell.
[01:48:58] You can figure it out.
[01:49:00] But they said, put it in there.
[01:49:01] I mean, it doesn't hurt to put it in so we can actually try and program it out for you.
[01:49:06] And if we have the money available on a national basis, we can get the allocation to our region.
[01:49:12] It might happen.
[01:49:14] If there is documentation of that.
[01:49:16] I would like the community to know that we're actually pursuing this in real life, you know, and that this is good intention.
[01:49:24] But the fact is, if we-- if it is a kind of document that is publicly releasable, I think it's in good faith.
[01:49:31] I'll look. I'm not sure what document that's in, but sure, we've had meetings with them where we sat down.
[01:49:40] OK. I I've been through all of the risks, basically, so I'll just point out that the last-- let's see, I think.
[01:49:48] There we go. Are on this slide here, the acceleration risk summary.
[01:49:52] So I've been through all of these risks.
[01:49:53] I'll just point to the last three basically on this slide.
[01:49:57] Not all homeowners may choose to participate.
[01:49:59] That's just-- this is a voluntary program.
[01:50:01] As I said, for single family sound installation, we've been trying to get them in for many years and they're not coming in.
[01:50:07] So we don't know how many are going to participate.
[01:50:10] The fact of it is not all properties may qualify by that noise audit.
[01:50:16] We've had some that did not qualify because the home is already quiet enough on the inside and t here's nothing more we could do to it.
[01:50:22] And then future state and federal legislation may expand the program authority.
[01:50:27] So it's that the boundary areas, the failed windows, and there is the still talk with the FAA on the national level about the sixty five D NLP and the appropriate metric.
[01:50:37] So.
[01:50:42] And then the last thing I'll transition into is staff recommendations.
[01:50:47] So we will recommend hiring that one additional program manager and the noise programs and one in PMG.
[01:50:56] Hire that consultant I talked about earlier to really analyze the program and put it kind of into place on what we need to move forward with.

[01:51:03] We think the cost estimate is somewhere in the range of 200,000 for that.
[01:51:07] And then we can begin structuring the accelerated program and hopefully begin work around 2021 on that.
[01:51:15] And just to say, in the meantime, our work that we have planned for 2020 would continue to move forward.
[01:51:20] So we're not stopping.
[01:51:21] Yeah, not gonna stop any thing.
[01:51:23] Commissioners, if I can just add a few things to the recommendation.
[01:51:28] You know, to answer that question about how best to move ineffectively forward.
[01:51:33] I plan on asking John Okimoto from the executive review panel.
[01:51:37] And then Dave Swanky, because this is related to aviation.
[01:51:41] And you know, Dave is the CEO, but this is how important it is to me and the staff to accelerate this.
[01:51:46] So having him involved to assist the noise team in refining the objectives, the metrics and the best ways to move forward, you know, that's-- I'm committing to doing that.
[01:51:56] And right now, actually, you know, Dave handed me this this morning, forwarded from the staff, which is the FTEs.
[01:52:02] You know, I'm prepared to sign that tomorrow if it's approved, the acceleration.

[01:52:07] So I can move forward on that immediately to start the ball moving so that we're not delaying on moving forward on this project.

[01:52:13] We need to move quickly with the acceleration program.

[01:52:16] [laughter]

[01:52:17] Are there other further questions on the briefing we've just heard?

[01:52:22] Oh, right. Yeah. Commissioner Calkins.

[01:52:25] This is an area that outside of this program, we don't often work in the area of housing.

[01:52:31] And I think it's important to note that right now for our communities throughout King County, housing is at an extraordinary lack of supply.

[01:52:41] And so to the extent that this program shores up the ability to live in these homes longer, I think it's a good thing.

[01:52:50] I also having raised the question around how much inter-agency work we're doing back in December, I'm really pleased with the staff results on that conversation.

[01:52:59] And to know that, you know, working with the King County Housing Authority and others to identify ways in which we can stretch our dollar and improve not only the noise issue, but also just quality of life in general for the folks living in these homes.

[01:53:12] And I do want us to continue to think outside the-- what we would normally think of as our lane on these projects to think about how we might actually expand housing opportunities.

[01:53:22] This is a massive budget.

[01:53:24] And if we can use it to help catalyze other development projects adjacent to or as some sort of replacement, I do think we want to examine that.

[01:53:33] We we are so short on housing and particularly affordable housing.

[01:53:38] And many of these units fall into the category known as NOAH, the naturally occurring affordable housing.

[01:53:44] And we want to make sure that these are not taken out of the market.

[01:53:49] Ok.

[01:53:50] Commissioner Felleman.

[01:53:53] You know, I'm a big fan of the START noise program and I really appreciate the summarisation of the accomplishments that have been going on.

[01:54:00] And I salute Lance for continuing not only starting it, but continuing it.

[01:54:07] And hopefully everybody sees eventually that this is something that is worth continuing to participate in.

[01:54:15] The one place where I know there's concern and while this is-- noise is like an overwhelmingly important thing to our community is not everybody can watch or-- starts deliberations over noise.

[01:54:28] And we've heard today David Gobal talking about wanting to have more transparency and what's going on with the monitors, although I'm delighted to hear that you're testing them in house and stuff like that.

[01:54:39] But you wouldn't have known that.

[01:54:40] Right. And you know, J.C.'s

[01:54:43] talking about cross-checking, which, what are you prioritizing?

[01:54:47] And it just it just seems to me that these these are huge undertakings and we really appreciate the recommendation to move forward on it.

[01:54:56] I'm just wondering whether this could include some more of a community engagement process as part of the additional staffing that we're doing.

[01:55:04] Is this not an opportunity for some sort of a stakeholder group?

[01:55:09] I bear sorry to bring up such a term, but I just think that there's so much good going on that I would like the people to see it, you know, and.

[01:55:20] And like I feel about START.

[01:55:22] It's like, if people knew as much what was going on, they'd feel better about it.

[01:55:25] And so why hide a good story and why not be open to the idea that our communities have something to tell us every once in a while, right?

[01:55:35] If I can. I had a similar point and if I might.

[01:55:38] I think it's not just telling the story, but it's getting community input about what the priorities are.

[01:55:43] For me, that's really critical.

[01:55:45] And while I appreciate the work that the staff has done over the years, but hearing from the people that live in these communities, what they want to see done first, I think is absolutely critical.

[01:55:55] So I would ask that the staff consider that-- get input.

[01:55:58] Is it the schools? Is it the houses of worship?

[01:56:00] Is it the apartment buildings?

[01:56:01] But get their input as part of this process.

[01:56:05] So ya, Commission Felleman aligned with you 100 percent.

[01:56:09] The other thing I would ask is that I know that we have a motion in front of us and I wanted to ask my colleagues if we could table this for just only this meeting because I think it needs a little bit more work in terms of specificity.

[01:56:21] And Steve, I would ask that you and Lance and the team work on, you know, essentially the motion says shall take necessary actions to accelerate the airport sound insulation program.

[01:56:31] You know me well enough by now.

[01:56:32] I talk about specific measurable outcomes.

[01:56:35] And so acceleration could mean many things.

[01:56:38] I'd like us to be very clear with the community when it's going to get done, how much is going to get done.

[01:56:44] And so that we have clear expectations from them and from our staff moving forward.

[01:56:50] Third, I'd really like to add, as I mentioned earlier, you know, clearly identify the outcomes.
[01:56:56] For me, more homes more quickly at hopefully a lower cost.
[01:57:00] And then fourth, really consider more funding options, as I mentioned before, such as things like the use of the property tax levy.
[01:57:08] And I would just add and, Stan, you've heard me say this before.
[01:57:11] I don't consider this an acceleration.
[01:57:12] I want to see it on lightspeed.
[01:57:14] Absolute lightspeed.
[01:57:15] We're getting at that.
[01:57:16] I know. And I know you guys have.
[01:57:18] And I wanted to compliment you because you really in your memo, which most people wouldn't have read, it's on page three.
[01:57:24] You called out in prior years, quote, In prior years, the Port's approach had been to proceed with the noise program projects to the extent that airport improvement project grants are available."
[01:57:34] We're making a complete shift.
[01:57:36] We're prioritizing this whether or not the grants-- and we'll make that consideration as it comes before us.
[01:57:41] But it's a shift.
[01:57:43] So thank you for calling out the way it used to be done.
[01:57:45] But we're going to do it differently moving forward.
[01:57:47] For me, we cannot-- this airport is continuing to meet the demands of the community, but it's having more and more pressure on those that live around the airport.
[01:57:55] And we have to put those people first.
[01:57:58] And this is a community health and social justice issue.
[01:58:01] And I really appreciate all the work that you guys are doing to push it forward.
[01:58:04] But again, let's do it on light speed and let's be really clear about what we're going to accomplish with this.
[01:58:13] We do have the goal here, right?
[01:58:15] We have an accelerated scenario with a price tag.
[01:58:19] So in terms that this is the current recommendation.
[01:58:23] I'm just wondering in respect to what you're suggesting.
[01:58:26] I'm just wondering whether we could pass this as a minimum, like, you know, sort of as a starting point and that we could-- to be built on.
[01:58:35] Because, I mean, obviously, there was a lot of work that went into saying, well, this is doable.
[01:58:40] It's it seems to be, expectation to have it grant fundable.
[01:58:44] It's certainly enumerable.
[01:58:46] We have numbers of buildings and numbers of dollars.
[01:58:51] And so my inclination is I don't want to get in the way of it.
[01:58:54] But at the same time, I do very much appreciate this.
[01:58:57] And I don't know whether if the language that needs clarity is in the means of acceleration, that the point that you're raising is, is it do we get benefits from doing it in-house versus.
[01:59:11] I mean, would that be.
[01:59:13] No. I want to be able to say to the community, we're giving direction to the staff in a motion that you will complete these projects by this time.
[01:59:19] That's what we have right here.
[01:59:21] I think it's pretty clear, too.
[01:59:23] What is not clear is the implementation, the means of implementing the program.
[01:59:27] And there are a number of options and tradeoffs and risk and so forth and challenges.
[01:59:33] But I think this is a more of an important turning point here about a determination to significantly advance this program in much less time.
[01:59:45] And the ways to do it aren't going to be suddenly apparent next week or the week after.
[01:59:50] As to exactly how and I think that's part of the call for the consultant to come in and make some recommendations, assess and recommend how we can balance all of these challenges with the goal that this motion states.
[02:00:04] So also, I don't have any discomfort with moving forward with the motion to signal that this is where the Commission wants to go with this insulation program at this time.
[02:00:14] Commissioner, if I can just kind of weigh in.
[02:00:17] Regardless of what action you take today, I need to develop a plan that addresses all the issues that Commissioner Bowman said there that all the questions for all the commissioners about the different options actually in the different courses.
[02:00:29] But what we need to do is to do our work now, our due diligence on this.
[02:00:33] I'm putting the plan together that reads those principles that are in here, clearly stating those goals as the outcome.
[02:00:39] And this is the pathway that we have to do that.
[02:00:41] And I think that I think that some of the work is looking at-- is it with existing structure or taking more risk or some?
[02:00:49] That's what I'm hearing from the commissioners to looking at some of those options to look at that within that.
[02:00:55] So I have that as a takeaway.
[02:00:57] And that is not, as you pointed out, Commissioner Steinbrueck.
[02:00:59] That is not a two week job.
[02:01:01] That is-- I was planning to come back with that plan, especially with the additional resources as we're moving into the budget process as well.
[02:01:07] So I will get back to you. I can't give you a direct time on that just to help you inform your discussions here.

[02:01:12] I owe you a plan back with the--
[02:01:14] I expect that that you're going to bring back to us an implementation plan with more specific cost figures and funding options.
[02:01:21] But that's specifically what consulting is hired to do, in part: contracting methods and potential efficiencies.
[02:01:26] So it's not like this is left, as I said, not to do.
[02:01:31] This is expressly one of the one of the take homes.
[02:01:33] So I see this as addressing Commissioner Bowman concerns with at least a starting point.
[02:01:41] I agree if we can get efficiencies to do more all the power to us, but I see this as enumerated enough for my support.
[02:01:48] I think we should move on with the item 7B read into the record here so that we can discuss the motion and take a vote up or down on 4A.

[02:02:00] Let's get on to the motion of this, if we can.
[02:02:04] The agenda item 7B motion 2020-04 a motion of the Port of Seattle Commission directing the acceleration of the sound insulation program at Seattle-Tacoma International Airport.
[02:02:16] Commissioner Calkins. Did you have something?
[02:02:19] I'm sorry, I thought you indicated-- Commissioner Cho.
[02:02:23] OK. Commissioner Bowman.
[02:02:25] I think you're--
[02:02:26] I'm writing an amendment.
[02:02:27] Do you need a minute or--
[02:02:28] I think I've got it done.
[02:02:30] We could take a stretch break?
[02:02:32] A Stretch break would be good.
[02:02:36] Ok. Are you ready for my amendments?
[02:02:39] Yeah. OK. I'd like to introduce the following amendment.
[02:02:43] On line Twenty nine.
[02:02:45] I'd read the first part of the sentence starting line twenty.
[02:02:48] The Port of Seattle Executive Director shall take the necessary actions to accelerate the airport sound insulation program.
[02:02:56] Then I would add in. In order to complete the program by 2026, I would say.
[02:03:03] Is there a second?
[02:03:04] I'll second.
[02:03:05] Then moved and seconded. And now we're talking about the amendment here.
[02:03:08] Commissioner , I would say no later than twenty twenty six.
[02:03:12] Right. Even better.
[02:03:13] All right. That is a friendly.
[02:03:16] That's a friendly amendment.
[02:03:18] Okay. So I have a question for Stan.
[02:03:24] Knowing that it's a voluntary program, what is completion?
[02:03:30] I would say that we have all of the homes sound insulated and finished and acquired.
[02:03:36] So if a homeowner refuses to participate ?
[02:03:45] Could you read the amendment again?
[02:03:47] Sure.
[02:03:48] To begin in line 20.
[02:03:49] The Port of Seattle executive director shall take the necessary actions to accelerate the airport sound insulation program.
[02:03:56] No later than twenty twenty six.
[02:04:00] Any questions, comments?
[02:04:01] All those in favor of the amendment amended language and then we'll vote on the main motion.
[02:04:07] So moved.
[02:04:08] It's been moved and seconded. Again, all those in favor say Aye.
[02:04:12] Opposed nay. Is there any discussion on the amended motion?
[02:04:17] Is there a motion to approve the amended motion?
[02:04:21] That seconded?
[02:04:23] Second.
[02:04:24] All those in favor say Aye.
[02:04:25] Aye.
[02:04:26] Opposed say nay.
[02:04:27] The motion carries. Thank you.
[02:04:29] Now get to work. Thank you.
[02:04:35] Good, thank you.
[02:04:39] All right. You got to read like a memo.
[02:04:41] You didn't do anything different than actually hold them to what they said.
[02:04:44] The next item on the agenda is 8B: Authorization for the executive director to execute an amendment to the existing sustainable airport Master Plan Environmental review.
[02:04:55] Personal Services Agreement with Landrum Brown for an increase of 3.4
[02:04:59] million dollars for a new contract amount of 6.4

[02:05:03] million.

[02:05:04] Commissioners, you were briefed on this item on January 28.

[02:05:08] Additional funding is required to complete environmental review and support continued stakeholder engagement and outreach regarding sustainable aviation master plan.

[02:05:17] Presenters are Arlon Purcel.

[02:05:20] Welcome back Arlon and Steve Ribal.

[02:05:22] I'm sorry, can I take a moment of privilege here?

[02:05:24] I--.

[02:05:26] I was under-- Thank you.

[02:05:28] I'm doing this [laughter]

[02:05:30] I was actually under the impression that that we were going to initially pull the discussion of the legislative agenda.

[02:05:44] And I was going to recommend an initiative to basically lend support to the to the state's budget for giving Highline School additional funding for the pursuit of a high school there.

[02:05:58] And and so because I thought.

[02:06:02] I thought this was going to be somewhat to continue the progress while we tabled the current motion until the next Commission meeting, which I will not be able to attend.

[02:06:14] But I want to make it clear, at least from my perspective, that while the state legislature deliberates their budget that, you know, we are-- at least I am very much in support of that budget proviso getting into the supplemental budget to give Highline school.

[02:06:30] I think it's a quarter of a million dollars to-- for them to continue on their good work.

[02:06:36] Might I suggest a procedural mechanism that would help Paul?

[02:06:43] I would be happy to draft a letter that I could circulate amongst the five of us and the commissioners could choose to sign on, and then I'll make sure that gets sent to the appropriate folks who are making that decision in Olympia.

[02:06:55] Does that work?

[02:06:57] Let's see the writing. [Laughter].

[02:07:00] In support of Highline School to pursue-- [crosstalk]

[02:07:06] There is more complexity to this than simply redirecting those funds.

[02:07:09] But I think this is an off topic discussion now.

[02:07:12] But I mean, we tabled it.

[02:07:13] It was gonna be a conversation.

[02:07:15] I was gonna put it in the legislative agenda.

[02:07:17] I did not want to have it just completely off discussion.

[02:07:20] I offered an amendment.

[02:07:22] It's now. So we're all right.

[02:07:23] We're moving on. Sam.

[02:07:25] Follow up on it.

[02:07:27] All right. Good afternoon. And Lance Lyttle is actually going to say a few words of introduction.

[02:07:32] Good afternoon again. Commissioner and Steve, today we're coming to you for authorization of additional funds for the Environmental Review of the Sustainable Airport Masterplan Near-term Project, also known as SAM NTP As you know, from the briefing to you last month, we have extended the schedule for this work and had to have some other changes as well.

[02:07:55] These include the decision to develop two separate documents for the federal process as well as for the state process.

[02:08:02] In addition, we also developed an updated forecast.

[02:08:06] These changes, as well as adjusting the work to respond to scoping comments and extensive outreach, have increased the scope and budget beyond what was contemplated and authorized by Commission back in 2015.

[02:08:19] That was a very different schedule and approach at that time.

[02:08:23] We anticipated completing the planning work in 2016.

[02:08:27] The staff team and the consultants have done a very good job to accomplish all the additional work on the environmental review since the 2015 authorization.

[02:08:36] However, we do need to add a significant level of funding.

[02:08:40] Now we are here today requesting this increase so that we can continue the work on the environmental review, analysis and documentation that a study of this complexity requires.

[02:08:54] Appreciate your consideration of this request.

[02:08:56] And now I would like to ask Arlene Purcell and Steve Ribal to speak to the details.

[02:09:01] Thank you, Lance. So good afternoon again Commissioners and Mr.

[02:09:04] Metruck. Arlon Purcell and I'm here with Steve Ribal, senior environmental program manager.

[02:09:10] As Lance just said, we're asking for a budget increase today so that we can continue to be responsive to public concerns regarding the environmental review.

[02:09:20] That requested funding will support expanded outreach, additional technical analysis and the preparation of separate NEPA and SEPA documents, all of which we think are really important to complete a thorough and responsive environmental review.

[02:09:35] So I will turn the presentation over to Steve Ribal to talk to you through the details.

[02:09:40] Good afternoon, commissioners and Executive Director Metruck.

[02:09:43] In late January, we provided you with an update of the Sustainable Airport Master Plan, Near-term Projects, Environmental Review, forecast and schedule.

[02:09:53] At the end of that presentation.

[02:09:54] I noted that we would be coming back to you asking for additional funding to complete the SAM near term projects Environmental Review.
[02:10:02] This presentation is requesting an increase to the contract budget by 3.4
[02:10:07] million dollars for a total contract value of 6.4
[02:10:10] million dollars. There are a total of six slides.
[02:10:13] The first three will briefly review our progress and the accomplishments, and the last three will provide an overview of the justification for the budget increase.
[02:10:28] As we discussed in January, the project's schedule has been updated and has not changed since we presented it to you.
[02:10:34] The gray dots represent items that have been completed.
[02:10:37] The green dots represent key milestones and the blue dots represent milestones where agency and community engagement occurs.
[02:10:45] Key milestones include agency and public review of the NEPA Environmental Assessment, or EA, in the fall of this year, a decision from the FAA on the NEPA in the spring of 2021, a release of the SIPA Environmental Impact Statement, or EIS for Agency and Public Review in late spring of 2021, and a decision from the Port on the SEPA IES in the fall of 2021, concluding the environmental review process of the SAM near term projects.
[02:11:15] As noted previously, if there are any additional impacts to the schedule, we'll continue to keep you updated.
[02:11:25] Since the completion of the SAM planning process, we have completed a variety of major milestones.
[02:11:30] These include a robust agency and public scoping process where the Port received thousands of public comments.
[02:11:37] An outcome of the agency and public scoping produced a scoping report outlining topics and themes that will be reflected within the environmental review.
[02:11:47] An update of the aviation demand forecast that included a constrained operating growth scenarios.
[02:11:53] And we've submitted the Draft Purpose documentation to FAA.
[02:12:05] There are four primary reasons for the requested budget increase.
[02:12:08] First, delay in the S AM planning process in coordination with planning staff to better understand and validate assumptions made during the Sustainable Airport Master Plan and identify where additional planning is needed to support the environmental review.
[02:12:23] This includes the update to the aviation demand forecast and the development of the constrained operating growth scenarios.
[02:12:30] Two, continue our extensive stakeholder engagement and community outreach with the release of the draft documents for agency and public review.
[02:12:39] Third, in response to public comment additional technical environmental analysis.
[02:12:45] This includes air quality, human health, environmental justice, noise, greenhouse gas emissions and transportation.
[02:12:54] And lastly, the budget increase is also a result of separating the NEPA and SEPA processes and documents.
[02:13:01] This will include agency and public comment periods at the release of the NEPA EIS and the SEPA EIS.
[02:13:13] I wanted to provide an example justifying our budget request.
[02:13:17] As part of scoping, the Port initiated a robust outreach and engagement process.
[02:13:23] This outreach engagement went beyond what was originally scoped.
[02:13:27] This included one agency meeting, four public meetings, an online open house, outreach through a multitude of online resources, over one hundred thousand mailings, and provided materials in five languages.
[02:13:41] The Port anticipates this enhanced outreach engagement with the release of the draft EA and draft SEPA EIS.
[02:13:52] At this time, I'm requesting commission's authorization to increase the Sustainable Airport Master Plan Environmental Review contract by \$3.4
[02:14:00] million for a total contract value of \$6.4
[02:14:03] million. And this concludes my presentation.
[02:14:07] Questions, comments?
[02:14:09] I have one or two.
[02:14:13] On page 4 of the briefing memo here, it lists the scope of work here and primary tasks.
[02:14:21] Some of that outreach.
[02:14:23] I'm guessing that what you laid out here is-- are you indicating that it would be done entirely by a consultant, including the outreach?
[02:14:33] Because that was listed as part of the justification.
[02:14:36] This is a one hundred and eighty percent increase in the original funding for this work.
[02:14:44] So I am trying to see where specifically a comparison of the current scope of work under current contract versus amended contract with change in scope of work in those specific areas as the justification that you outlined.
[02:15:06] So I say the one scope of work here is not clear to me if this is the original scope of work or the new expanded scope of work.
[02:15:16] So the scope of work that you see in the Commission memo is originally what was scoped out in 2015.
[02:15:23] The continued--
[02:15:24] Under the 3 million--
[02:15:26] Under the \$3,000,000. Yes.
[02:15:27] Yeah. So that's all existing scope.
[02:15:30] So where is the expanded scope and level of detail to compare to?
[02:15:36] The expanded scope can fit within a lot of the original scope that was authorized in 2015.
[02:15:46] What we're doing is really going into more detail.
[02:15:49] So for example, we're spending more, we're putting more effort into our outreach and engagement.
[02:15:54] We're doing additional technical analysis in air quality, transportation, and other areas.
[02:16:00] And so that still falls within the same scope, we're just having to do additional work.
[02:16:03] So the the tasks remain the same we're just doing more of it.
[02:16:09] And the Commission memo provides the tasks at a summary level.

[02:16:13] Happy to share more details.
[02:16:15] I guess, about that.
[02:16:16] That's a bit baffling to me that it would be increased by that much and that the additional level of work.
[02:16:25] I don't know when-- is this all under contract or is some of this work undertaken by Port staff?
[02:16:35] The outreach work has been and would continue to be done by a combination of Port staff and consultants, so for example, at the public open houses we probably had what, 15 or 20 Port staff at each other open house, but it takes a lot of consultant help to help put those on as well.
[02:16:55] Are we -- the amount that you're asking for authorization-- Does that represent an amendment to an existing contract or is that a combination of costs associated with the expanded environmental review?
[02:17:13] I'm just trying to get at, you know, what the-- some accountability here.
[02:17:18] It would be an amendment to an existing contract that would allow us to complete the existing scope of work.
[02:17:30] So there's certain things that we anticipated that would be included, then --.
[02:17:36] Lance, at that point-- to the point.
[02:17:38] I was surprised by the separation of NEPA and SEPA.
[02:17:41] I always thought we knew that from the heads up because I was asking to have a combined review and we said, well, the FAA does what they do.
[02:17:50] At least from the time that I have been at the Port.
[02:17:53] The intent was to do a combined NEPA and SEPA document as we thought it would be the most efficient way to proceed.
[02:18:02] After scoping, it became clear that that was not going to work for the FAA or for us.
[02:18:07] So we decided to split the two documents.
[02:18:10] And that does add quite a bit to the cost.
[02:18:13] We're talking about a second process, a second set of public hearings, a second set of responses to comments.
[02:18:20] So I know that the number here seems substantial, but we're talking about a lot more process than we originally anticipated.
[02:18:27] And I think looking back to when the original contract was authorized, I think there was a much different idea about the amount of work to be done than we have now that we understand public concerns as well as the FAA's position on this.
[02:18:46] Well, I mean, I think you have these whatever five, four bullets.
[02:18:50] I mean, the categories of what sort of unanticipated are there.
[02:18:55] You don't break it out. You know, you don't enumerate how much the delta for each one of those tasks are to do that additional work.
[02:19:03] Yes. But I'm just trying to get back to this question of the the SEPA/NEPA process.
[02:19:11] So when we went out and had public hearings, that was as a combined effort?
[02:19:16] Yes, it was. Combined FAA--.
[02:19:18] So we have to do all that again for just having it be a SEPA review?
[02:19:22] So. So everything that's been done to date still counts.
[02:19:25] If that makes sense.
[02:19:26] Right. So but after scoping was done, we agreed to go our separate ways.
[02:19:31] So for the draft document.
[02:19:33] Ok. So there's no redundancy of that?
[02:19:36] So. So in a sense, we're just doing a smaller document.
[02:19:40] We're not doing a-- seems to take more work to try to coordinate with the FAA than a way just for us to do a SEPA analysis.
[02:19:49] If we had to do both.
[02:19:50] No--.
[02:19:51] I don't see how that becomes more expensive if it doesn't provide any additional public process.
[02:19:55] It does provide. So just to-- maybe I wasn't clear enough in my prior answer, though.
[02:20:01] The scoping work was done for both agencies.
[02:20:04] Going forward, we are going to do sequential documents.
[02:20:07] So the NEPA document is going to be released first.
[02:20:10] There will be a public set of public hearings and public comment and responses for the NEPA process.
[02:20:16] The FAA will make its findings and then the SEPA draft document will be released.
[02:20:21] There will be public hearings and processing comments and response.
[02:20:24] So we're taking on the responsibility for FAA to do the outreach for both.
[02:20:29] Yes.
[02:20:30] All right. That's. And quite frankly, I think that's better left to the FAA, they would do what's legally required.
[02:20:36] And I think what you've done here is far more robust and so that helps explain.
[02:20:42] It's that redundancy because we're not letting the FAA just do the bare minimum.
[02:20:45] Right. Right. And the outreach, although Steve included outreach as an example of the changes in the cost.
[02:20:52] That is just one part of the--
[02:20:55] So you are giving some examples initially of things that we probably didn't contemplate when we did the original-- before we did the scoping.
[02:21:03] When we did the scoping work with the community, there are other things that were added, if you could probably-- didn't you?
[02:21:08] Right. So we presented at Commission recently on that update to the forecast that ended up being quite an involved process because as we discussed at the prior meeting, we ended up having to prepare a what's called a constrained operating growth scenario.
[02:21:22] Like the fact that we are nearing the limits of what we can accommodate.
[02:21:26] That's not something that typically happens at an airport or in an environmental review.
[02:21:30] This is like new stuff.

[02:21:32] And so there was no way we could have anticipated that being part of the original scope or budget.
[02:21:37] So that is one example.
[02:21:40] In response to the comments we received during scoping.
[02:21:44] We've added a number of components of technical analysis to the SEPA part of the review.
[02:21:52] And Steve went through a list, but those again were also not contemplated as part of the original scope.
[02:22:00] So I understand that it does seem like a lot of money, but it's also to me a positive story because we are trying as best we can to be responsive to public comments and concerns and we're trying to be as thorough as possible.
[02:22:15] And that the desire to split the document into two is also to try to be as responsive as possible to public concerns.
[02:22:25] If we had kept to a combined SEPA/NEPA document, I think it would not have been nearly as responsive as this revised approach will be.
[02:22:37] And we're happy to follow up with details if that if you would like to.
[02:22:40] I just don't know why you didn't break out the budget for that.
[02:22:43] Yeah, that to me was, you know, of course, additional modeling-- that could be like the lion share of the expense.
[02:22:49] We hired Nate subsequent to this starting so we've got an additional South King County staff person that is supplementing, I'm sure will be very important in part of supplementing.
[02:23:00] So I'm anyway.
[02:23:03] It would be more comprehensible had you provided us with more specificity in terms of changes, scope and costs associated with that rather than some general areas of where increase have occurred.
[02:23:19] The other question I would like to ask is, is any of this increased costs associated with additional analysis that is as called for since this work was begun for proposals or a proposal that has been submitted to the Port for changes to the master plan?
[02:23:41] And if so, how much?
[02:23:43] I don't know the answer to your second question.
[02:23:47] The answer to the first question is yes.
[02:23:51] Our planning department is doing a review of the material that was submitted.
[02:23:57] We have included a contingency in the budget and, well, we've included a contingency not knowing what the results of the review might be.
[02:24:11] If the results turn out one way, then we would end up not spending that money.
[02:24:16] If they turn out another way, then there's another possibility there.
[02:24:20] So there is a place holder there, for a scope to do additional environmental review, let's say, for consideration of new information that's been received and I would expect that through the draft environmental review, we will have more analysis that will be required for any additional proposals or comments that come in that suggests alternatives.
[02:24:51] Right. So maybe a better way to put this would be that we have really tried to take our charge seriously to consider and screen potential alternatives.
[02:25:02] We're trying to be as deliberate and thoughtful about as we can be and not knowing what the results of that work might be.
[02:25:09] We have tried to build in a fair amount of money into the budget to anticipate the possibility that there would be some kind of extra review involved.
[02:25:17] Whatever those--.
[02:25:18] And mitigation options need to be evaluated and costed out as well.
[02:25:24] But but it's all within the context of the same original terms of purpose and need.
[02:25:32] Yes.
[02:25:33] We're not altering that.
[02:25:35] I would hope at this point, or expect I should say.
[02:25:40] But I think we need to be clear about additional costs that have been the result of materials submitted subsequent to the closure of scoping.
[02:25:55] Ok. I'll stop there.
[02:25:56] OK. Understood. And we'll have to follow up with you on that.
[02:25:59] Happy to do that.
[02:26:00] Yeah. Thank you.
[02:26:01] So I think one one way to kind of look at this, too, is that when you look at this, this is the money that was budgeted.
[02:26:07] And then you have the tasks associated with it.
[02:26:09] And then there's rates for doing the work that you have.
[02:26:12] Correct. So these are all accounted for.
[02:26:14] And it's more like a, you've used this funding and now we're forecasting additional tasks that are to be done according to that.
[02:26:21] So these aren't open ended.
[02:26:22] These are specific tasks that are accomplished that we use the initial 3million or that we're targeted to expend towards that.
[02:26:29] And now. So it's not like an open-- Commissioner Steinbrueck, It's not an open ended contract.
[02:26:33] This is work only will be expended against the work that's done.
[02:26:38] Correct.
[02:26:39] It's not what you anticipate what may come through the draft environmental review that could entail additional costs?
[02:26:46] Well, we have tried, again, we have tried to be generous about the amount that we are assuming would be needed to respond to comments.
[02:26:54] I think the most important point is purpose and need doesn't change.
[02:27:02] Right? I mean, if we change purpose and need, we break this open again.
[02:27:06] Right. Right.

[02:27:07] But so whatever the analysis, whatever the variables, mitigations, whatever purpose and need is the same.

[02:27:15] Correct. We shared purpose and need statements with the public during scoping.

[02:27:21] That is what we're using in the environmental review with some backup documentation.

[02:27:29] Ok. Other questions or comments?

[02:27:32] All right. Commissioners. All right.

[02:27:34] Is there a motion to approve this authorization?

[02:27:38] So moved.

[02:27:39] It's been moved and seconded.

[02:27:40] All those in favor please say Aye.

[02:27:42] Aye

[02:27:44] Opposed? Motion carries.

[02:27:47] Thank you.

[02:27:50] Agenda item 8C:.

[02:27:53] Introduction of Resolution #3771: The Resolution of the Port of Seattle Commission relating to the Flight Corridor Safety Program 2019 at Seattle-Tacoma International Airport, providing for the acquisition of certain rail property interests located in King County, Washington for the program authorizing negotiation or condemnation and directing other actions consistent the program of Aviation Safety.

[02:28:17] Commissioner s, you last received a briefing on this item during our January 28 meeting.

[02:28:22] This action establishes and preserves the last resort option to remove the necessary trees for a flight corridor safety program.

[02:28:29] Presenter on this is Marco Milanese.

[02:28:33] Commissioner s and Executive Director Metruck.

[02:28:36] We are before you today to provide the Commission with an update on the flight corridor safety program and to seek authorization through a resolution to exercise eminent domain authority, also known as condemnation, if needed for the program.

[02:28:51] After introduction of the condemnation resolution today, staff will return to Commission on March 24th for final action.

[02:29:00] My name again is Marco Milanese and I'm the Community Engagement Manager here at SeaTac Airport and part of the external relations department.

[02:29:07] Just behind me are two other representatives who can help with answering questions today.

[02:29:12] Marie Quashes, Senior Port Council provides legal support to the port's flight corridor safety program team and Adrian Winder, a principal at Foster Garvie P.C

[02:29:23] who works with Marie and the team and has specific experience with condemnation processes.

[02:29:29] The Flight Corridor Safety Program is an ongoing Port effort to remove and replant trees around SeaTac Airport that have grown or will soon grow into FAA designated flight surfaces.

[02:29:41] Removal of obstructions will ensure the airport's compliance with FAA regulations, state law and the airport's operational requirements.

[02:29:51] Whenever trees have been removed, the Port has instituted environmental best management practices that include replanting lower height trees and native shrub on site and, if not possible, on nearby sites that do not have height restrictions.

[02:30:04] The Port has replanted more than four times as many trees and shrubs on Port property as it removed.

[02:30:11] And it is on the second year of monitoring the success of these new plantings.

[02:30:16] And that's part at a five year commitment.

[02:30:19] To date, 783 trees have been removed on Port property and three thousand six hundred eighty four trees have been planted in their place.

[02:30:29] On January 20th of this year, as just mentioned, the Commission authorized the program is next cycle of work, 174 trees in this cycle of work, which represents a significant decrease from the initial number of trees identified for removal by the Port earlier on are almost exclusively on non Port public property and private property.

[02:30:49] To break it down, a hundred and four trees are on WASHDOT property and primarily on the future right of way.

[02:30:55] For S.R. 5 0 9, the extension of SR 5 0 9.

[02:30:59] Twenty six trees are on Highline School District property and those are primarily on or near the former Maywood School site, which is south of the airport, 20 trees are on city of SeaTac property, 18 trees are an eight private property parcels, and six trees are on Port property.

[02:31:18] The Port will coordinate directly with all property owners before any work commences on their property.

[02:31:23] The Port will also negotiate with each property owner on securing a permanent easement over the property should any trees require removal in the future and to help protect the flight corridor from future obstructions.

[02:31:36] The goal will always be to secure agreements and easements voluntarily and willingly.

[02:31:42] Port staff has had multiple contacts about the program with all the property owners, either by phone or in person or some combination of the two.

[02:31:51] And all conversations have gone very well.

[02:31:54] It's important to emphasize that condemnation will always be a tool of last resort.

[02:31:59] Nevertheless, there are potential scenarios when the Port might need to begin a condemnation action to effectively implement this program.

[02:32:07] People may think different things when they hear the word condemnation.

[02:32:11] So it's important to emphasize that in this situation, the Port is not seeking to take anyone's home or the entirety of someone's property.

[02:32:19] Rather, condemnation means, in general terms, that a court proceeding is being used to acquire an interest in property.

[02:32:26] Scenarios when the Port might need to begin a condemnation action include: The Port might not be able to establish contact with the property owner or an interested party like a lender, the property owner might refuse to engage with a Port, the property might be abandoned, voluntary negotiations between the Port and the property owner may fail for a variety of reasons, title to the property may be unclear and require clarification, or timely action by the property owner or lender or other interested party does not transpire.

[02:32:58] In any of those situations, condemnation might need to be pursued by the Port to remove the obstructions and secure the appropriate property rights for the flight corridor safety program.

[02:33:09] Authorizing the use of combination ensures the Port can meet statutory and regulatory obligations, ensures primary flight surfaces are not impacted by obstructions, and ensures the work will be completed in a timely manner.

[02:33:25] Whether the property interest is acquired voluntarily or through a combination action, the Port will obtain an appraisal from a qualified appraiser to determine the fair market value of the property interest acquired.

[02:33:37] And there are also certain tax benefits for property owners who convey a property interest under potential condemnation whether or not a condemnation action actually needs to be filed.

[02:33:47] Again, Port staff has had multiple conversations with all the property owners to keep them informed about the program and to let them know that the program would include a request to authorize potential use of combination if needed for a particular property.

[02:34:01] All property owners understand condemnation is a tool available if needed, but that the Port intends to work directly with them in a cooperative fashion on all aspects of the work to occur on their property.

[02:34:15] In fact, some of the work connected this program have already begun and are in motion.

[02:34:20] Early survey and appraisal work on some of the private property parcels has occurred.

[02:34:24] An access agreement with the Hillgrove Cemetery Association is almost final.

[02:34:31] Port continues to work very closely with WASHDOT.

[02:34:34] And on Highline School District property, tree removal work has already concluded, along with the removal of several high priority trees on WASHDOT and City of SeaTac property.

[02:34:46] All tree removal work that needed to occur prior to March 1st, the beginning of the four and a half month bird nesting period is now complete.

[02:34:54] Staff will use the next four and a half month bird nesting period for negotiations with the property owners and specifically working toward agreement on permanent easements on each of the properties.

[02:35:05] On July 15th tree removal work can commence again with the goal of removing all obstructions by the end of 2020.

[02:35:13] Barring any adverse weather conditions, tree and shrub replanting work would begin happening on all sites once the trees are removed and the site prep work is complete.

[02:35:22] As I said before, no signs up to this point have suggested a condemnation action will be needed with any of the properties where obstructions now currently exist.

[02:35:31] However, it's a tool the Port should have ready to efficiently and effectively implement the flight quarter safety program.

[02:35:39] Port staff will return to Commission on March 24th for final action on the resolution.

[02:35:45] Thank you. And we're now able to take any questions Commission might have.

[02:35:49] Commissioners, questions? Comments?

[02:35:51] Commissioner. Felleman.

[02:35:53] I'd like to start by thanking you for having to undertake this less than pleasant undertaking.

[02:36:00] None of us are thrilled by cutting trees, but I must say my competence in the way this is moving forward has a lot to do with the fact that you're at the helm of it and the due diligence that you've shown throughout the staffing me at the Highline program makes me feel-- and you're asserting to us that you've met all-- you've spoken with all these people and makes me feel much better about something that we wish we didn't have to do.

[02:36:24] So thank you for all your due diligence and of course, the special qualities about the cemetery.

[02:36:30] You are making special accommodations there.

[02:36:32] That, of course, you know, I'm interested in knowing how that goes, but I wish you good luck.

[02:36:38] And hopefully those folks are really going to follow through with what they said and keep us posted otherwise.

[02:36:44] Okay. Thank you. Comments, Commissioners?

[02:36:47] I would like to add my praise.

[02:36:49] I think this is a remarkable turnaround from where I was a year or two ago with the prospect of over 3000 trees identified, having brought that number down to 10 percent of that amount, I think something in that range, through some careful analysis and scrutiny and fieldwork.

[02:37:11] I suspect that went into that.

[02:37:12] And so I think the beneficiary here is the community in that regard, because this was mandated by FAA.

[02:37:21] We had-- we approached it, I think, with exceptional due diligence and care and consideration.

[02:37:29] So I want to offer my strongest praise for the staff who've worked on this program for a job well done, not yet finished.

[02:37:38] And it looks to me like there's about 11 or 12 properties that would receive this notice.

[02:37:44] Is that right? To carry out this pro forma action?

[02:37:47] They've already received the notice.

[02:37:48] They have received it.

[02:37:49] We made sure we called them all in advance so they knew that letter was coming.

[02:37:52] And so this is an introduction of this resolution, I think unless there are no more questions, we can have a motion to approve the introduction of this resolution.

[02:38:02] So moved.

[02:38:03] It's been moved. Is there a second?

[02:38:05] All those in favor, please say Aye.

[02:38:07] Aye.

[02:38:08] Opposed say nay. The motion carries.

[02:38:09] Thanks very much. Thank you.

[02:38:11] So I would like to make sure that the community is kept apprised of the legislation that's moving forward to reduce the match requirement

for the ACE fund, which is something that Commissioner Creighton and I were very committed to in addition to all the mitigation that you've done, this-- unfortunately, this million dollar additional asset has not been able to be spent down due to a pretty onerous three to one match, and I understand we have a bill moving that will bring it down to a 2 to 1 match and hopefully that's getting closer.

[02:38:40] It's not at this point.

[02:38:45] I thought it was-- Well, it may be something we can bring up through proviso, but I'm of the belief that it was still moving.

[02:38:53] But we will check on that.

[02:38:54] And if not as well. We'll ask the community to get back on that next session.

[02:38:58] And we won't give up if it died this session, I think it'll stay on our leg agenda and because it applies to this and a whole host of other programs that we do and it's an important part of being able to serve the communities.

[02:39:13] Ok. Thank you for that.

[02:39:15] And I think we can now ask the Clerk to read an item 8D.

[02:39:20] Adoption of Resolution 3770, a resolution of the Port of Seattle Commission adopting the charters of the following standing committees, the Aviation Committee, Equity Committee, Waterfront and Industrial Lands Committee and Energy and Sustainability Committee, and amending the Charter of the Audit Committee as adopted in resolution number 36 13 and subsequently amended on June 28, 2016 and July 11, 2017.

[02:39:46] Ok, very good.

[02:39:49] Commissioners, you were briefed on these at our last meeting, adoption of this resolution will approve the charters and scopes of the work for the Commission committees.

[02:39:58] And I think we're going to hear from Aaron.

[02:40:01] Aaron Pritchard is in the room here.

[02:40:04] Stepped out at an inopportune time.

[02:40:08] This is the second reading.

[02:40:09] Yes, it is. But I have an amendment, so.

[02:40:11] Oh, even a minor one.

[02:40:13] I don't know if he wants to add anything more to it.

[02:40:15] So. But we should discuss this fairly quickly.

[02:40:18] I think we have actually two amendments.

[02:40:21] Yes. Yes.

[02:40:23] Ok. Good afternoon, Commissioners.

[02:40:25] Sorry about that. Before I bring it before you today, the five committee saw for a second reading.

[02:40:34] You know, as we've seen earlier today, we'll report on public session, some of what the what the committee is reviewing and recommendations offered by the commissioners.

[02:40:41] And we discussed the roles and responsibilities for the committees at introduction on February 11th.

[02:40:46] We have two minor amendments that will be included in these that have been proposed, one by Commissioner Steinbrueck, which would add the Office of Equity in Diversion and Inclusion Strategic Plan Implementation to the Equity and Workforce Development Committee for review.

[02:41:02] And the second part of that amendment clarifies that we would gather and evaluate information rather than just gather information.

[02:41:09] So always good to do some evaluation.

[02:41:12] And Commissioner Bowman amendment would change the name from Equity Committee to the Equity and Workforce Development Committee to highlight the continuing importance of workforce development to the Port and the region.

[02:41:23] Ok. Is there discussion questions on the proposed amendments?

[02:41:28] No. Hearing? None.

[02:41:29] Let's have a motion.

[02:41:31] It's been moved.

[02:41:32] This is inclusive of the two sets of amendments that we're voting on now.

[02:41:37] So it's been moved and seconded.

[02:41:39] Comments? Yes. No.

[02:41:41] Is it read like--

[02:41:45] There's a handout on it.

[02:41:48] They were submitted in a timely manner, so they should be in your paperwork there.

[02:41:53] So. I guess I was.

[02:41:58] Never mind.

[02:41:59] These are mostly qualitative and refinements.

[02:42:03] So I think they're good in package.

[02:42:06] OK, very good.

[02:42:07] So all those in favor of the proposed amendment, Aye say Aye.

[02:42:12] Aye.

[02:42:13] Opposed nay.

[02:42:14] Motion carries the amendment have been approved, may motion as amended to approve.

[02:42:20] Now, is there any further comment on the main motion to approve which has already been introduced?

[02:42:26] So Resolution 3 7 7 2.

[02:42:30] 3 7 7 0.

[02:42:32] I'm sorry, 3 7 7 0.

[02:42:34] Thank you, Clerk.

[02:42:36] No comments. All those in favor, please say Aye.

[02:42:39] Aye.

[02:42:40] Motion carries. I should just add here that this is an important step toward some, what I consider, process improvements with regard to institutionalizing some of our primary policy areas and allowing for a deliberative process to occur at the at the committee level and as opposed to reinventing some of this every year, which has been somewhat of the pattern with the exception of the audit committee, is that correct?

[02:43:12] We have re-approved the charters of these committees, and it has become clear that there are key policy areas which these committees represent that are have become more or less institutional, if you will.

[02:43:26] Doesn't mean they can't change.

[02:43:27] Their scopes will change, but the organization of how we deliberate this work through committees I think the important thing to note here.

[02:43:38] And so I appreciate staff's efforts and and commissioners support for moving forward with these process improvements and combined with a higher level of reporting also to full Commission and Commission meetings, as you heard earlier today.

[02:43:54] So we expect that these committees will meet on a more or less a quarterly basis and they will be committees of two commissioners.

[02:44:04] More may join. But it needs to be noticed and done and then published as a study session.

[02:44:10] Is that correct, Clerk? That if additional committee members or--.

[02:44:16] They would have to be noticed as public?

[02:44:18] Yes. Yes.

[02:44:19] And so that that is something not to be discouraged where Commission other commissioners want to be part of that deliberative process that does not take a vote other than to recommend to full Commission at the appropriate time.

[02:44:34] So that's just a quick summary of what we're doing here.

[02:44:37] The bylaws proposal says to discourage.

[02:44:42] Well, then maybe that needs to be changed.

[02:44:45] Words like that shouldn't appear in the bylaws.

[02:44:49] OK. Well, with that, I think the motion carries and we're done with that business.

[02:44:54] So onto the next.

[02:44:56] I didn't know that.

[02:44:58] Agenda item 80 is introduction of Resolution 37 72.

[02:45:03] A resolution of the Port of Seattle Commission amending resolution numbers 37 61, 37 42, 37 44 and 37 54 regarding bylaws governing the organization and transaction of business of the Port of Seattle Commission.

[02:45:22] Commissioners this trial exercise to review Commission bylaws has resulted in several technical and substantive revisions in the presenter is Mr.

[02:45:31] Paul White.

[02:45:33] Commissioner, Mr. Metrick, thank you.

[02:45:35] For the record, I am Paul White, Commission Clerk, and I'm here to present a series of Commission bylaws revisions and request introduction of Resolution 3772.

[02:45:45] I am going to.

[02:45:48] Stick pretty close to my script, but I did want to note a couple of things.

[02:45:55] Because we heard some things today about roles and responsibilities and that being said during public comment earlier today.

[02:46:02] I just want to point out, refresh our memories that the bylaws are not-- they are not the rules for the Commission about everything.

[02:46:12] They are your rules of procedure.

[02:46:14] We mustn't forget that you also have a delegation of authority which defines your relationship to the executive director and to Port staff in terms of what activities staff can take on their own in which they have to come to you to get authorization for.

[02:46:28] So. I just want to keep in mind that that this is one piece of a puzzle and it's largely a procedural piece, but it's about how we conduct our business as a public group.

[02:46:42] When the five of you are sitting here together doing it.

[02:46:47] So the bylaws require that they be reviewed every three years.

[02:46:51] This triennial review is just completed and has provided an opportunity to propose some improvements.

[02:46:57] The vast majority of these are textual changes for better clarity.

[02:47:00] And while I won't spend time on those today, you have all received in advance the red line showing every text change.

[02:47:10] Transparency is one of the most important values embraced by the Port of Seattle Commission and its priorities for governing the Port district.

[02:47:18] We take seriously our commitment to conduct our affairs openly and accountably in the public eye and with a significant amount of public engagement.

[02:47:28] Innovation and flexibility are also important values of the Port Commission.

[02:47:32] We take pride in finding new ways to accomplish our goals and challenge past assumptions, biases and status quo.

[02:47:40] So it is natural that flexibility without compromising transparency is a theme of many of the rule changes before you today.

[02:47:49] For example. Special or temporary committees of the Commission, such as the current aviation or energy and sustainability committees, have always enjoyed the flexibility to gather with subject matter experts in locations and at times convenient to the busy and dynamic schedules of all involved without activating the considerable administrative machinery that comes with advance meeting notice, early publication of materials, fixed schedules, set up for electronic recordings and scheduling of public meeting rooms.

[02:48:23] We are proposing that this flexibility be extended to standing committees.

[02:48:29] Here's why we believe that this does not reduce transparency, but instead helps to ensure that committee work will be more public, not less first.

[02:48:41] No committee composed of Port commissioners has the delegated authority to make decisions on behalf of the Port Commission.

[02:48:48] They are all limited to less than a quorum by bylaws, and their charters explicitly prevent them from exercising governmental functions.

[02:48:58] They are strictly advisory bodies.
[02:49:01] A good way to think of them is that they are like staff meetings at which two commissioners attend to help guide staff's policy related work and keep it aligned with Commission priorities.
[02:49:12] None of these groups can make a decision for the Commission, nor can they prevent the full commission from considering any subject.
[02:49:20] The fact that they are limited to two commissioners is actually a significant control that keeps them from operating that way.
[02:49:30] No quorum, no action.
[02:49:34] Second, Bylaws and Committee charters require committees--.
[02:49:39] Yes.
[02:49:40] In the charter of a committee--.
[02:49:43] Yes.
[02:49:44] I understand when you have three commissioners, you have a quorum.
[02:49:47] But in the charter of a committee, if there are still only two members of the committee, but a third Commissioner attendance would not still be an advisory group and not being able to take a final action if indeed for that public and effect.
[02:50:06] And I don't understand whether that needs to be quote-unquote a public hearing or it could it be not just a study session as was suggested.
[02:50:13] So the discretion of taking public comment and all that, certainly we'd need notice and all those encumbrances.
[02:50:20] But a committee meeting that is open to the public with three commissioners present, but only two actually as being members of the committee.
[02:50:34] Does that? That doesn't afford-- if the charter expressly says-- that doesn't automatically afford them decision making authority does it?
[02:50:42] Keep in mind-- And I think that general counsel has a few thoughts on this, that the charter of the committee is a control on the committee's activity.
[02:50:51] It is not a control on the commission's activity fundamentally.
[02:50:56] And what happens when you have three members present is that you were actually present as a board, not just as one of your committees.
[02:51:04] That's a function of the fact that you're quite a small board.
[02:51:08] I really I find it implausible to interpret it that way.
[02:51:16] If indeed the Commission Charter's a committee to do a certain thing, the commission is delegating that authority to two individuals to make advice.
[02:51:27] Adding a third Commissioner doesn't change that.
[02:51:30] Commissioner. Felleman. Can I try?
[02:51:31] Well, certainly I'm no lawyer, but I just find it just--.
[02:51:34] [crosstalk]
[02:51:35] So. You're right in the first instance, adding a third member does not give the committee any additional authority.
[02:51:41] The committee is still limited and it doesn't have the power to act on behalf of the commission.
[02:51:45] That doesn't change.
[02:51:47] What does change when you add the third Commissioner, that just becomes a public meeting.
[02:51:50] There is a quorum of the whole commission then.
[02:51:53] And so you have to follow all the procedures for a public meeting.
[02:51:55] And could it be a steady session rather than a meeting where the formality of public comment could be just at the discretion of the committee rather than an obligation to have a half an hour or so set aside?
[02:52:09] There-- I mean, there are provisions that Paul has drafted for study sessions.
[02:52:13] And the study session, you could call it a study session, would still be required to be open to the public and treat it like--.
[02:52:17] It's open to the public. But the difference I see is just that, you know, it's the discretion of the of the committee whether or not to have a public comment period.
[02:52:27] Is that the primary distinction between a study session and a meeting?
[02:52:32] Well, so a study session is a public meeting.
[02:52:35] And currently there are no explicit restrictions on what you would or would not do during those.
[02:52:42] We do have some proposals around that.
[02:52:45] What I would like to do on this question of whether or not the commission being present has a quorum-- the difference that that may or may not make to a committee meeting-- Not not to take anything away from what general counsel has said is, I think, perhaps a largely untested area for us.
[02:53:12] There is not-- I don't know that the answer is very cut and dry, that a quorum of the Commission meeting together is limited in the way that we want to suggest that it is.
[02:53:24] And and I just want to say I don't think that that's well established.
[02:53:28] But if we limit ourselves, we, in chartering the committee, we as a quorum say we are limiting our quorum ability.
[02:53:36] For the purposes of a committee, that seems to be the will of the Commission.
[02:53:41] So I might take a cut at this, too.
[02:53:44] My concern is not for the current iteration of the Commission.
[02:53:48] I think we're all quite collegial and like minded on most issues.
[02:53:51] And my concern about creating a norm, essentially, that says when when three get together, it's part of a committee.
[02:54:05] They abrogate their right to make any decision.
[02:54:09] Functionally, we may all agree to that.
[02:54:13] But by statute, those three can now make a decision.

[02:54:17] They could overrule the earlier will of the commission, because now they have the authority as a quorum to make a decision as a commission.

[02:54:23] And the reason I think it's important to make this distinction is because we may not always be a Commission that is so closely--.

[02:54:31] They would have to change the charter right there at the meeting.

[02:54:33] Not the charter.

[02:54:35] But the charter defines that.

[02:54:37] So I think this question, if I may, is one that we can think about and having maybe more language built in to make clear that that sort of activity would not be able to occur under the bylaws.

[02:54:47] So it wouldn't be an allowed action under our bylaws.

[02:54:50] If I could comment here.

[02:54:53] Most other governmental bodies have committees with more than a quorum attending.

[02:54:58] They don't take a final action.

[02:55:00] They make a recommendation that is routine.

[02:55:03] The only requirement is that it be in public and perhaps be recorded.

[02:55:07] I don't know. But there is nothing preventing more than two commissioners from meeting as long as it's in public.

[02:55:14] You can call it a committee.

[02:55:15] You can call it standing study session or whatever.

[02:55:17] But that is pretty much irrelevant, I think, from a legal standpoint, if I'm not--.

[02:55:23] That's right and that the charge for city council and county council governments setup subcommittees, that rules describe their meetings in public and they refer to the full body.

[02:55:34] The value of that, in my view, is from experience, is that it helps support a deliberative process with more people participating toward the ultimate goal of a final action through the full commission that's authorized by law.

[02:55:48] But that is not the -- The fact of the matter is, it is bureaucratically more challenging.

[02:55:52] It requires more preparation.

[02:55:55] That's why I was asking you if the study session did not require recording, did not require public comment.

[02:56:02] But it still has to be noticed.

[02:56:04] I mean, we still are inviting the public to come and view and at discretion, depending on the number of people or the subject at hand to participate.

[02:56:13] But to have that discretion as a study session seems to be more in the spirit of what we're thinking of having a public deliberation, but no action.

[02:56:24] Commissioner. Bowman.

[02:56:25] I just. I know that this is-- that we have to introduce this for the first reading and this is important work.

[02:56:31] And I think we have a lot of questions.

[02:56:33] I will say I'm a little concerned that we have folks that testified on biometrics and are eager to get to that topic.

[02:56:38] And so I'm wondering if perhaps we could provide some of our comments to the clerk and talk a little bit longer offline.

[02:56:45] I have questions as well.

[02:56:46] I just want to be sensitive to the public.

[02:56:49] Want to put this on hold?

[02:56:51] Perhaps it would be helpful if I pointed out that there are no limits-- There's nothing in the bylaws provisions that would prevent a third Commissioner from attending the committee meeting.

[02:57:03] In fact, there have been since twenty seventeen provisions to allow that very thing to happen.

[02:57:08] So that is not being taken away in any of these provisions.

[02:57:11] But they can take actions.

[02:57:14] So Commissioner Bowman, are you suggesting we should, since this is the introduction we can introduce it--.

[02:57:21] We can introduce it--.

[02:57:22] [crosstalk]

[02:57:40] All right. I'd be happy to do it two to one with other Commissioners to get--

[02:57:43] That would be helpful-- That it's a lot of a lot of work went into it.

[02:57:47] We shouldn't do this casually.

[02:57:48] It's been out there for a while.

[02:57:49] So let's not get bogged down in endless.

[02:57:53] But this was one of the more substantive issues.

[02:57:55] So I would like to move that we have this first meeting or introduction.

[02:58:00] Right. It's been moved. Is there a second?

[02:58:02] Seconded.

[02:58:03] It's been moved and seconded. All those in favor, Please say Aye.

[02:58:06] Opposed n ay. The motion carried.

[02:58:08] Thank you. Follow up.

[02:58:10] Thanks. Well done, Commissioner.

[02:58:14] Okay. Thank you.

[02:58:16] All right. That brings us to presentation.

[02:58:19] Item number 9A biometrics working group progress update.

[02:58:24] Commissioners, this is an update on the progress of the Internal Biometrics Working Group, an external advisory group established by

Commissioner at the December 10, 2019 meeting .

[02:58:34] As of today, the working group will have met four times, an external advisory group will have met two times.

[02:58:39] This is the mid-point update with the first set of policy recommendations as both work groups progress towards their March 30 first deadline for policy recommendations.

[02:58:48] Presenters are Veronica Valdez and Eric Schoenfeld.

[02:59:00] Good afternoon, commissioners and Executive Director Metruck.

[02:59:03] I'm Veronica Valdez Commission specialist at the Port of Seattle.

[02:59:07] I am joined by Eric Schoenfeld, senior manager of Federal Government Relations and Interim Commission Chief of Staff.

[02:59:14] We are here today, as Executive Director Metric mentioned, to provide an update on the working group, an external advisory group, efforts on developing policy for public facing biometrics at Port facilities.

[02:59:28] Last December, the commission passed a motion that approved seven biometrics principles, justified voluntary, private, equitable, transparent, lawful and ethical.

[02:59:41] You also established a working group task to translate those principles into enforceable policy recommendations governing the use of public facing biometrics technology at the Port by the end of Q1 2020 and a policy by Q2 2020.

[02:59:56] An external advisory group was also stood up to provide feedback on the working group's policy recommendations.

[03:00:03] Lastly, the motion was also clear on putting a hold on implementation of any new or expanded use of biometrics at the Port that is within our jurisdiction until after the commission approves policy recommendations and adopts policies.

[03:00:21] Hello, commissioners again, Erick Schoenfeld, senior manager of federal government relations here at the Port of Seattle.

[03:00:27] We wanted to spend some time on the process because on topics as important and substantive as these, the process is just as important as the product.

[03:00:35] We have two groups that are working very, very hard on this.

[03:00:37] First is what we call the Biometrics Working Group.

[03:00:40] This is a group of internal staff here at the Port of Seattle.

[03:00:44] As you can see, it is a cross-section of all potentially impacted or engaged Port staff.

[03:00:50] Air Port, Sea Port, legal and law enforcement, everyone in between.

[03:00:56] And we've been working really hard.

[03:00:57] As Executive Director Metruck said, we've had four meetings, our fifth will be this coming Friday.

[03:01:03] You can go to the next slide.

[03:01:04] And next week we'll have an External Advisory Group.

[03:01:07] This was directed to us in the motion that was passed on December 10th.

[03:01:10] And I will call out that the motion from December 10th explicitly identifies the kinds of stakeholders that need to be part of the external work -- external advisory group.

[03:01:19] So both industry representatives, as well as community stakeholders, as well as technology experts and everyone in between.

[03:01:25] And I just want to say how grateful we are for this large group of folks to be able to spend their time, to take time out of their busy schedules to join us.

[03:01:33] This is a very challenging conversation.

[03:01:36] Stakeholders on all sides and people have attended these meetings and they have given their feedback.

[03:01:41] And we really appreciate that.

[03:01:42] I also want to be really clear that we designed this process to make sure that regardless of who is on the external advisory group, every single person has the opportunity to have their opinion expressed and respected and captured.

[03:01:55] And that is why we hired a facilitation firm, BDS, who not only designs the agenda for each meeting, but also facilitates to make sure that not one group or set of stakeholders dominates the conversation.

[03:02:07] And to their credit, BDS has not only managed the meetings themselves, but reached out to individual stakeholders between meetings to make sure that all perspectives are captured.

[03:02:18] Next slide. So as I mentioned, the working group has met four times.

[03:02:23] It will be five as of this Friday.

[03:02:24] The external advisory group has met two times.

[03:02:26] It will be three as of next Friday.

[03:02:29] One of the most important decisions that we made was we started out to say how do we develop, quote unquote, biometric policies for public facing biometrics Port wide.

[03:02:39] And what we quickly realized is that that would be incredibly, incredibly challenging with a numerous set of caveats for each recommendation, because each use case is so different.

[03:02:49] Biometric air exit and air entry, which is mostly under CBP federal jurisdiction.

[03:02:55] It's very different than things like ticketing and bag check, which is different from how law enforcement might use biometrics.

[03:03:02] And so rather than try and cram that all into one use case, we are actually going to develop five different use cases and we'll just jump really-- ahead a couple slides here.

[03:03:12] The first one you'll hear about today, which is not listed right here, is the one you have in front of you.

[03:03:16] Biometric air exit, which is CBP 's program for using facial recognition for departing international air passengers.

[03:03:25] We will also have recommendations for a biometric air and cruise entry, which is CBP' s use of facial recognition for arrivals of both international passengers as well as individuals departing a cruise ship who are technically considered international passengers, although with some distinction.

[03:03:42] We've drafted that we have not yet vetted it with the external advisory group.

[03:03:46] We have also drafted but not yet vetted the nonfederal biometric passenger processing, which is use of facial recognition for things like

bag check, ticketing, Clear would fall under this category as well.

[03:03:59] Biometrics for customer functions, which would be biometric uses for access to corporate lounges, access to parking garages, access to rental cars, things of that nature.

[03:04:11] And then finally, biometrics for law enforcement and security function, which is obvious.

[03:04:14] So again, we will come to you eventually with those five sets of recommendations.

[03:04:18] There will be many similarities between those recommendations, but we are doing them separately because of the very, very different issues related to federal jurisdiction, nonfederal jurisdiction, et cetera.

[03:04:31] So last thing, I just want to say here before I turn things over to Veronica to talk about biometric air exits.

[03:04:38] First of all, we have we have really tried to have as much transparency and accountability in this process as possible, in addition to having meetings of the working group and the external advisory group.

[03:04:53] We have a project Web page on the Port Web site that has the minutes and all materials of the external advisory group, the drafts of all the policy use cases.

[03:05:03] And we have communicated by email and in person with not only external advisors that are on the external advisory group, but with other external stakeholders that we want to keep in touch with as well.

[03:05:13] So it's really important to us that we do this process right and we make sure that we're being really, really clear with everybody.

[03:05:20] Every single thing that we're doing as part of this process.

[03:05:24] Great. I wanted to spend some time just to level set on what biometric exit is.

[03:05:31] It is an airport-- it's a CBP function.

[03:05:36] CBP is congressionally mandated to have a biometric entry and exit system.

[03:05:41] CBP can exercise their authority to implement air exit themselves or they could work with airlines or the airport to do this for them.

[03:05:50] It basically verifies whether the departing individual is truly the same person who entered the US.

[03:05:56] It also allows CBP to determine if a foreign national overstays their authorized time in the US.

[03:06:04] So biometric air exit occurs at the departure gates of international flights.

[03:06:09] And this is a chart-- a five step chart of how it actually works.

[03:06:14] I'll quickly run through those.

[03:06:16] The first step is airline sends a roster or a manifest of all the travelers on that particular international flight to the Department of Homeland Security (DHS).

[03:06:26] And then they prepare a temporary gallery of images of these travelers.

[03:06:31] And those photos, or the gallery, are pulled from images or photographs taken by CBP during the entry inspection.

[03:06:39] U.S. passport photos, U.S.

[03:06:41] visas and other travel documentations, as well as photos from previous DHS encounters.

[03:06:49] The next step is at the departure gate where each international traveler's photo is taken either by a CBP owned camera or equipment provided by the airline or airport authority.

[03:07:02] The next step is these photographs are encrypted and personal identifying information is stripped and sent to a cloud based matching system via a secure connection, and CBP is biometric matching service is called the Traveler Verification Service(TVS).

[03:07:19] Veronica? Can I just-- I just want to make sure that we clarify it.

[03:07:22] Step number two, that's where passengers have the ability to decline the biometric, right?

[03:07:27] Correct. Can we just make sure that we highlight that, that this is the point where you do not have to do this.

[03:07:34] Correct. Thank you.

[03:07:37] The next step, step 3 is the photographs are encrypted.

[03:07:40] As I said, step for the TVS compares the new photo that's taken by that international traveler at the gates with the gallery DHS has prepared using the existing photos that they've had.

[03:07:52] Then TVS responds with the identity verification match results and returns a unique ID number which is just a string of multiple numbers.

[03:08:04] If there is a match, the traveler is able to board that flight.

[03:08:07] And if there is a no match the travelers documents are screened manually with a gate agent.

[03:08:14] I just want to be clear that airports and airlines are not mandated to participate in the CBP biometric air exit program.

[03:08:21] But the two dozen or so airports nationally who do biometric air exit, do it voluntarily because they do believe in the benefits of the biometric air exit system.

[03:08:33] So. That means, you know, you have the choice to do it yourself, but if you don't, they will.

[03:08:40] Correct. And it's so it's not like it's not like necessarily that they're opting for that.

[03:08:46] They're just not doing it.

[03:08:47] And CBP is doing it for them.

[03:08:50] I just was wondering.

[03:08:51] Several of the comments from the public was were.

[03:08:54] Why are we complicit? Why?

[03:08:56] What is the benefit of us doing it if if CBP is gonna do it anyway?

[03:09:00] You know, the one place that I've always felt where our responsibility really lies is to make sure that the opt out option is explicit and clear.

[03:09:08] But but like what? What is the value added for the Port to take this on.

[03:09:13] I think I can take that, Veronica.

[03:09:14] So I think that's really the essential point, Commissioner, because absolutely.

[03:09:20] The real fundamental choice here, because CBP has the authority to come in and do biometric air exit in our terminal without our permission as they are currently doing right now, the real choice is whether we want them to do it or we want our staff or airline staff to do it.

[03:09:37] That is ultimately a policy decision that y'all as the Commission will make.
[03:09:41] But the difference is to your question, if CBP does it, CBP will do whatever CBP does.
[03:09:47] They will follow their guidelines.
[03:09:48] They will follow their rules.
[03:09:49] If airport and airline staff do it.
[03:09:52] They will be more compelled to follow the policy recommendations that we have included here that I will walk through in one minute for you.
[03:10:00] And the things that we would have more control over include signage, communication, training standards, layout to ensure no unintended image capture and things of that nature so that-- and I think one of the things in particular what that training is about and the communications about is, as Veronica said, no one, U.S.
[03:10:21] citizen or not, is required to use facial recognition on a departing international flight.
[03:10:27] It is a voluntary system.
[03:10:29] And so it is really essential that whoever is doing it, particularly if it is airline staff under our our choice, make it really clear to people, our communications make it really clear to people.
[03:10:42] The signage makes it really clear to people.
[03:10:44] If you do not want to use facial recognition to board your departing international flight, you do not have to.
[03:10:50] And that's the key--.
[03:10:51] Just to be clear, nothing precludes the airport from doing more than CBP or the airlines in terms of signage.
[03:11:00] That's exactly what I'm saying.
[03:11:01] That's what the recommendations are that we'll walk through.
[03:11:03] No, no. But I'm just saying they could do the program.
[03:11:06] Either the airlines or CBP could do the the program.
[03:11:10] But we could put up as many signs as we want.
[03:11:12] We can put up.
[03:11:13] So that doesn't-- because they do it doesn't preclude us at least from the sign age.
[03:11:17] That is correct.
[03:11:18] Alright.
[03:11:19] And as Eric mentioned, CBP has already begun implementing this at SeaTac with Luftansa flights.
[03:11:26] And also they have begun conducting screenings on high non and Virgin Atlantic flights.
[03:11:37] So this is a matrix that is obviously very small and hard to read.
[03:11:41] We did not put this up here for people to read it.
[03:11:43] We have included in your pocket and in the public materials the full 30 page biometric air exit policy recommendation so that anybody who wants to see them and follow along can.
[03:11:53] What we wanted to do here is to just show you visually how thorough we have tried to be at the task assigned to us by you in the December 10th motion, which is to translate the biometric principles that you passed into tangible, enforceable policies.
[03:12:10] What we have not done and I want to make this clear because the word recommendations may be confusing.
[03:12:16] We are not recommending whether or not the Port should install a biometric air exit system.
[03:12:22] What our task is, is to put in recommendations that if the Port authorizes itself and or its airlines to do a biometric exit system, here is how they would comply with the biometric principles that you put forward.
[03:12:36] Again, ultimately it is your decision whether or not you want to approve that or just defer to CBP to operate the program as they see fit.
[03:12:44] You'll see here in the columns-- there are seven columns.
[03:12:47] Those are the seven principles that you put out there.
[03:12:50] And you will also see in the report starting on page 8, that not only have we laid out the recommendations, but we have laid out all of the stakeholder concerns and feedback.
[03:13:00] We want to be, as I said before, very transparent to say just because ultimately this is the internal working group recommendation, the staff recommendation, there is not full consensus from the external advisory group.
[03:13:12] We don't want anyone on the external advisory group to feel like they've been railroaded into agreeing to something they don't agree with.
[03:13:18] And so we have listed the concerns in the document as well.
[03:13:21] Again, for full transparency.
[03:13:22] And so that ultimately when you make policy decisions, you know where everybody is on all of these issues and all of these recommendations.
[03:13:29] But let me very--
[03:13:32] There isn't a column for cost.
[03:13:34] So if, you know, if we took it on, is it our cost?
[03:13:38] Then there would be cost to us if we, the Port, installed a common use system.
[03:13:45] If it was the airlines that installed a proprietary system, we would not have a cost.
[03:13:49] It just seems to me that that's one of the variables.
[03:13:51] That if CBP did it, that they-- are we obligated to do it for them?
[03:13:54] There is no cost. Yes.
[03:13:56] So, I mean, could we get a sense of how much it would cost for the Port to do?
[03:14:00] It would be additional staffing as well as equipment.
[03:14:02] We would have some staffing costs but mostly equipment.
[03:14:07] And again, we didn't include costs in here because really our task specifically is how to map the principles to enforceable policies.

[03:14:14] And that is the task that we're focused on achieving here.
[03:14:17] But we could get a ballpark?
[03:14:19] It would be very easy. We have that ballpark.
[03:14:22] So let me just very briefly talk about the kinds of things that are in each of these categories.
[03:14:28] If you want me to go into further detail, I'm more than happy to do so.
[03:14:31] But but really, this is meant to be exemplary.
[03:14:34] This is not meant to say here is everything in every single amount of detail.
[03:14:38] We are still in process getting feedback from our external advisory group and others on that.
[03:14:43] Are any of these recommendations contrary to anything that CBP would require or disallow?
[03:14:53] We do not have authority to deal with federally regulated issues.
[03:15:00] So we are very clear in this document what is CBP regulation and what is within our ability to--
[03:15:06] And are the participants clear of that as well in terms of the recommendations that come through the workgroup?
[03:15:13] I. It is certainly a topic that we have had a lot of discussion on.
[03:15:17] CBP is part of our external advisory group.
[03:15:20] There was very robust discussion last time from all stakeholders really trying to get from CBP what the program is, what it isn't, what jurisdiction they have, what is outside of their jurisdiction.
[03:15:32] So we continue to have that conversation.
[03:15:34] Are we confident to the extent that CBP's basic task is achieved, that these will be complementary, that will be honored and adhered to in the overall--
[03:15:50] If CBP implements biometric air exit, they-- we will have no control over that.
[03:15:58] We can still do, as Commissioner Felleman said, some signage and things like that.
[03:16:02] If we are more in control of the program, we would have the ability to implement many more of these recommendations.
[03:16:09] I see. So I think that needs to be well understood.
[03:16:12] Yes, but this application goes beyond to CBP jurisdiction as well.
[03:16:16] So.
[03:16:17] Right. Some of our recommendations are the ones that are fully within our jurisdiction.
[03:16:21] It was very important for us, regardless of whether CBP comes in and exercises its jurisdiction and we don't have anything to do with it, our number one priority is our travelers, making sure our travelers are informed of their rights, making sure those rights are respected, and doing everything we can to ensure transparency and accountability even in areas that we don't have control over.
[03:16:42] Could we not have a MOU with the CBP adopting the protocols that you think are appropriate?
[03:16:50] We already-- you already have their letter from them, you know, endorsing your principles.
[03:16:56] So you've already got that right.
[03:16:57] So we certainly are always engaging with our federal agencies to talk about what they can do and how they can work with us best.
[03:17:06] But ultimately, again, it's very important to understand, CBP has federal jurisdiction on Customs and Border Protection and they they will follow their rules and guidelines ultimately.
[03:17:18] So let me just really briefly talk--
[03:17:19] But the point is, even if we wanted to assert ourselves there, we can't.
[03:17:23] Right. So we're asking them to adopt things that we think are important where we couldn't do it if we ran it ourselves.
[03:17:31] We are not asking them to do anything.
[03:17:33] We are talking about what we will do, whether or not they do it or we do it.
[03:17:37] The recommendations are about us.
[03:17:39] We don't have any recommendations here that tell CBP what to do because we can't tell CBP what to do.
[03:17:44] These are recommendations about what we should do if CBP implements or if the airport or airline implement.
[03:17:51] And this letter in Appendix D is their expression of--
[03:17:55] Their expression of support for our principles.
[03:17:59] So justified is obviously the principle is-- is there a justification for using biometrics for this purpose?
[03:18:07] And we talk in this section about how this is essentially an automation of a CBP process, which is Customs and Border Protection.
[03:18:17] And so it has sort of inherent justification to it.
[03:18:20] But regardless of that, it is really important for us to ensure that it is not mass surveillance.
[03:18:26] And our definition of mass surveillance, as including the December 10th motion, is that it is a 1 to 1 use of facial recognition, not multiple people, and certainly not without their their acknowledgement.
[03:18:38] And so our recommendations in justified are things like making sure that if it is airport or airline staff requesting this, that it is-- there is an approval process, that it is fully vetted against the principals, against anything, any other policies that we pass, certainly against CBP regulatory policies to make sure it's in compliance with federal law, that we work with our vendors to ensure that compliance and this is important here that if the Port decides to implement a common use system, which is us purchasing the cameras, that every single airline would be required to use those cameras, that we would not have multiple proprietary systems competing with our common use system for both simplification, but also for control and maximum transparency and accountability.
[03:19:26] So we'll move on to private.
[03:19:29] Private is obviously extremely important to us that people's data is private.
[03:19:34] Most of the privacy rules are controlled by CBP because ultimately the data goes to their database.
[03:19:43] It is in their system.
[03:19:44] It is their algorithm.
[03:19:46] However, we do believe that the opportunities we have here as regards to privacy really have to do with our ability to make it clear to

people what CBP's privacy policies are.

[03:19:58] They have published a very long list of their privacy impact assessments and we have the ability to really share that, make sure that people understand what those privacy policies are and then where we might have control if the airport or the airlines do that is really make sure that there is absolutely no third party access, that there is no other use beyond CBP use for anything other than boarding an international flight.

[03:20:24] That this is not, oh, the airlines gonna do it, then they're going to take that data and sell you a flight to Hawaii.

[03:20:28] So but how do we how do we guarantee that?

[03:20:31] So CBP has an auditing process and then we have some recommendations as well about how we can work with CBP to get that audit data, as well as look at how we can do our own additional performance evaluation .

[03:20:44] It's clear, if I remember correctly when CBP testified, that they had not even done their first audit.

[03:20:49] They have not done their first audit yet.

[03:20:50] They are starting to now for Atlanta.

[03:20:53] And one of the things that CBP said in our last external advisory group meeting is that they would be willing to, I don't know if they used the word MOU Commissioner Felleman, but they said they would be willing to put it into agreement with us access to audit data if that was something that was important to us if we decided to implement biometric air exit.

[03:21:13] So equitable, incredibly important to us.

[03:21:17] This issue around whether or not this system is as good or not as good at recognizing non-white men.

[03:21:25] NYST, which is a federal agency, did a study of every single algorithm and looked at whether some of these algorithms are good or bad at recognizing different subgroups.

[03:21:36] Some of them are really bad.

[03:21:38] Some of them are 100 times worse at recognizing black women as they are recognizing white men.

[03:21:44] That is not good. The good news, if you want to call it good news, is that CBP's algorithm was either the first or second most accurate in all of those NYST tests.

[03:21:57] And the CBP algorithm is required, whether it's CBP doing the work or airport or airlines doing the work.

[03:22:03] Ultimately, they're feeding into the CBP's TVS system.

[03:22:06] And so that TVS system uses CBP 's algorithm, which was judged by NYST to be one of, if not the most, accurate in terms of not only overall accuracy, but specifically within sub-group.

[03:22:18] So that's really, really important to us.

[03:22:20] We also have a number of recommendations in here around our welcoming Port policy, around engaging with diverse groups, immigrants and refugee groups to make sure they understand their rights and have a very clear understanding of what the complaint processes are if they feel like those rights have not been respected and doing so in multiple languages in culturally sensitive ways.

[03:22:44] Transparency is really where we get into what Commissioner Felleman has come back to several times around signage, around a communications plan, around an accountability report that we would publish annually that talks about not only what we're doing, but whether it's working, audit data, performance, evaluation data , any complaint data comes out of here.

[03:23:04] And I will be really honest with you, I have stolen this language, a lot of this language from Senator Wynn from the state legislature.

[03:23:12] He has a bill that's moving through the state legislature.

[03:23:14] I don't know if that bill will pass or not, because I can't make that kind of prediction.

[03:23:18] But it doesn't matter because we are going to use all of his language around accountability and accountability reports, because it's really good language and we've incorporated it into our recommendations.

[03:23:29] Lawful. Pretty straightforward.

[03:23:31] We should follow the law, but maybe less straightforward is that we are going to become one of the lead advocates at this state and federal level for stronger laws as it relates to facial recognition, biometrics and biometrics more broadly.

[03:23:45] I'll give you a really important example of that.

[03:23:47] So right now, CBP says, by their regulations, they will not require any one, U.S.

[03:23:56] citizen or not, to submit to facial recognition to board a plane.

[03:24:00] It's entirely voluntary.

[03:24:01] But that's just the CBP regulation.

[03:24:03] It would certainly be better if that was a congressional law.

[03:24:06] So we were sure of its permanence because they could change their mind.

[03:24:10] And so that's an example of the kind of thing that we would advocate for.

[03:24:13] Making some of CBP very, very good privacy and voluntary regulations into permanent law.

[03:24:21] Ethical. We talked a lot about this, about some of the things that we want to do in terms of reaching out to immigrant refugee communities our welcoming Port policy.

[03:24:32] But one of the recommendations here is the creation of a technology ethical advisory board.

[03:24:38] This is something that we think would be incredibly important.

[03:24:41] It actually goes back to the justified principle where folks said, okay, yeah, you have a process for approving these.

[03:24:47] But how does the airport managing director know whether this is a good thing to approve or not?

[03:24:53] And some of it, of course, is just does it align with the principles?

[03:24:56] Is it aligned with the policies?

[03:24:57] But we believe that having a technology ethical advisory board will really help us make sure that we're really thinking through the pros and cons.

[03:25:04] Some of this gets down to, okay, you could use biometrics, but do you have to?

[03:25:09] Is it really worth the cost benefit analysis of convenience versus loss of privacy and or a potential loss of privacy and civil liberties?

[03:25:16] So that technology ethical advisory board not only would be helpful for biometrics, but there's probably a number of other technology

issues as well that would be helpful to have that advisory board for.

[03:25:27] And finally, but certainly not least, voluntary.

[03:25:30] We are obviously very pleased that CBP regulations say that whether CBP is doing it or whether the airport and the airlines are doing it, that it is not required that anybody submit to facial recognition to board an international flight.

[03:25:45] That is obviously fully in line with your principle that it be voluntary, but that regulation doesn't matter if people don't know that that's the regulation or they feel pressured to do it regardless of whether it's allowed or not.

[03:25:59] We have heard stories from other airports, people complaining and saying nobody told us that it was voluntary or we asked to opt out and the the gate agent said, ugh do we have to?

[03:26:11] like. That's annoying.

[03:26:12] You shouldn't. We don't want that.

[03:26:14] We need to have not only it be really clear in our communications, but we also need to have training standards that if it is the airport or the airlines doing this, that everyone must be trained to a certain standard so that they are really clear with customers.

[03:26:31] You don't have to do it. And if customers opt out, it is done in incredibly respectful way and done in a way that doesn't disadvantage them or inconvenience them in an unnecessary way.

[03:26:43] And then, of course, the voluntary piece around unintended image, image capture, we can actually design standards for how the camera should be pointed.

[03:26:52] The kinds of cameras, different filters, different backdrops that you can use to make sure that nobody is just walking by in the background and getting their image captured, even if they got their image captured.

[03:27:03] You know, it wouldn't necessarily violate their privacy because that image would sort of be thrown out.

[03:27:07] But it doesn't matter.

[03:27:09] It shouldn't happen any way.

[03:27:10] There should be 100 percent voluntary, no mass surveillance.

[03:27:13] And that means to us one to one and willing participation in the program.

[03:27:18] So those are the kinds of recommendations that we've put in here.

[03:27:22] Obviously, we've gotten feedback from the stakeholders, which we've included in the report as stakeholder concerns.

[03:27:27] We will be able to accommodate and edit our recommendations to to include all of those stakeholder concerns.

[03:27:35] But we didn't do that yet because we wanted, for transparency sake, to show you what those concerns were before we incorporated into the final report.

[03:27:42] So I realized that's a lot in a very short amount of time.

[03:27:46] But let me just end before I turn things over to Commissioner Cho and Commissioner Calkins, who are part of the Biometrics Special Committee, who have spent some time really looking at these by saying, again, we don't have a ton of control over a lot of the CBP biometric air exit program.

[03:28:05] And I'm not just talking about whether they do it or not, they will do it, whether we do it or not, it will happen at SeaTac airport.

[03:28:12] We don't have control over their algorithm.

[03:28:14] We don't have control over their privacy standards.

[03:28:16] We don't have control over some of those things.

[03:28:19] But I hope that you see from this very long list of recommendations in this 30 page document that we do have a ton of things that we can do and should do, whether or not it's CBP or us doing it to maximize our efforts to protect the privacy, civil liberties and general rights of our travelers and visitors to our airport.

[03:28:40] So let me stop there.

[03:28:42] I can answer all questions.

[03:28:43] And obviously, again, want to turn things over to Commissioners Calkins and Cho, who have spent a lot of time as part of the biometrics special committee, really vetting these recommendations.

[03:28:54] Thank you, Erik. Just a reminder too, Sam and I met with staff to go over the recommendations on February 18th and our first committee meeting, another one coming up, I think in end of March.

[03:29:06] And I will say it's bracing to be told you don't have the power to do something.

[03:29:13] But there's, in certain areas, there is no two ways about it.

[03:29:17] And so I think that was the the first real concrete realization about certain areas.

[03:29:25] I am deeply appreciative of the work that staff has done to delineate where we do and don't and to to make a clear case for why when we have the ability to select control, we can do what we think is especially important, even though there is a budget implication to it and some reallocation of of our personnel.

[03:29:53] But after reviewing this, I think carving out the biometric air exit policy in particular so that the ongoing work of the committee and the working group can be focused on the areas where we do have control is a wise recommendation.

[03:30:10] Sam?

[03:30:12] Yeah. So first, I just want to thank the staff for their stellar work on this.

[03:30:14] I think that it's true when we say that we are really the first Port in the country that us has this extensive of a conversation on this issue.

[03:30:22] So thank you so much. And I want to thank the the folks who came and testified today on this issue.

[03:30:27] We we we really value your your perspective.

[03:30:31] And I just want to preface my statements by saying that I share your concerns on the potential biases that these systems may have.

[03:30:40] I, you know, I tend to believe that if it's created by humans, then it probably has human biases involved as well.

[03:30:46] And so I share those concerns.

[03:30:48] And as the son of immigrants and as a person of color, this is at the top of my mind when we think about biometrics and the use of artificial intelligence at the Port.

[03:30:55] And that's the reason why I volunteered to be on this special committee to make sure that this is getting all the attention that it deserves.

[03:31:03] But I think that, you know, we're we are faced with a tough decision here.

[03:31:07] And let me just be clear about what the decision is or what our options are.

[03:31:10] The choice is not whether or not the biometric air exit plan is executed or not.

[03:31:16] That is not the choice here. The choice is whether or not we as a Port want to take this on or if you want to abdicate that to CBP or the airlines.

[03:31:25] Now, it's not an ideal choice, but that's those are the options we have.

[03:31:29] And I just want to make it clear where I stand on this.

[03:31:32] And, you know, I think that the external advisory group has come up with seven principles that I think should be applied to every use of biometrics and artificial intelligence at the Port.

[03:31:44] And it would be a shame if we had decided to let CBP or someone else run with this.

[03:31:50] And then these seven principles are not adhered to at all in any formal way.

[03:31:55] And so right now, I am leaning towards making sure that we do as much as we can to make sure that we are adhering to those principles.

[03:32:04] And that might mean that we take on this system ourselves as a common use system.

[03:32:09] And I know that that scares people.

[03:32:12] But, you know, at the end of the day, again, the choice is not whether or not we use this system or not.

[03:32:17] The choice is who uses this system and who executes the system and who has the control over whether or not those seven principles are adhered to or not.

[03:32:26] And so I just want to make that clear once again for everyone in the audience, but also for my colleagues, because I think that's a very, very clear distinction that there needs to be made here.

[03:32:36] We do not have a choice on the matter as far as whether or not this is being used.

[03:32:39] The choice is whether or not we have a stake in this game or we don't.

[03:32:43] And generally, I don't really like to like the idea of kicking the can down the street so that it's not our problem.

[03:32:49] Right. I think as a Commission, we should take responsibility for this, that we should push these seven principles and we should make sure that we're doing everything we can to make sure that there are no mistakes made and that we don't break these seven principles.

[03:33:01] So I'm. So that's all I wanted to say on the matter.

[03:33:04] And I'm happy to answer questions for my Commission.

[03:33:07] There were a couple of other issues that I just want to raise in the conversation.

[03:33:10] The first is while we as a commission don't have the ability to to set federal policy, we do elect representatives who can.

[03:33:19] And so we do have an opportunity and I think as the leading Port on this particular issue, our voice will carry significant weight.

[03:33:26] And so I think as we look both at the both the biometric exit policy, but then biometrics policy writ large, I would hope that by the next federal legislative agenda we have recommendations for how that that federal legislation can be improved.

[03:33:45] The other is, as we've kind of drank from the firehose of biometrics information.

[03:33:54] I am quite stunned at the range of technologies that -- in terms of the potential for abuse or breach or harm.

[03:34:05] And you know, from things that I think are a pplied through crowds, through large numbers of people a nd with very few filters and controls and the access to the data is loosely held.

[03:34:24] And so I think, you know, very high concern for breach or abuse.

[03:34:29] I would suggest that from what we in our communications with CBP and because this is not the establishment of a new database as people come through, but verification against an existing database, one that dates back decades now.

[03:34:47] On that spectrum of potential for abuse or breach or harm, it's fairly low.

[03:34:52] And that's encouraging to me, even though, again, we don't have control over it.

[03:34:56] I at least rest somewhat assured that the likelihood of abuse is fairly low.

[03:35:02] And it is an area where I think as if we take control of the establishment of the system at SeaTac, it gives us the opportunity to put into place best practices immediately that that would even lower the threshold for for abuse.

[03:35:19] Commissioner Felleman.

[03:35:21] So getting back to the question, the relative merits of us doing it versus having others.

[03:35:27] So, you know, the airlines have been doing this longer than anybody else and they've developed their own expertise.

[03:35:35] But the point raised was the uniformity of having the airport doing it.

[03:35:40] And you know, who's ever whiz bang technology we choose is one thing.

[03:35:45] But the fact it would be consistent across all all systems so that if there is a problem identified, it can be corrected across the board.

[03:35:55] So it just seems to me that that that's one of the real upsides-- besides the protocols and these other things-- but uniformity and how much how much weight did you put on on that consideration?

[03:36:08] So, yeah, so I think there's really, if you think about it, three scenarios, right?

[03:36:14] Scenario one, where we do not allow ourselves or the airlines to implement and it's just CBP.

[03:36:21] Right. And they sort of they have their system, they have their technology that, their processing, they do it.

[03:36:26] Second is we do not take control over, but we do allow airlines to implement their own proprietary systems.

[03:36:33] And then third would be if we put in a common new system.

[03:36:37] The reason that there is a recommendation in this document that if there is a common use system, all airlines use it is both practical and because of policy.

[03:36:47] The practical is most of our gates for international departures are used by multiple international carriers.

[03:36:54] And I think the only thing worse to some people than the idea of a facial recognition camera at the gate would be six facial recognition cameras at the gates.

[03:37:03] That would not work very well.

[03:37:04] That would be problematic for all of the obvious reasons, but much more important than practical considerations and logistical considerations is that it is our belief that if there are going to be Port or airline use of facial recognition biometrics to board international flights, that if we choose the vendor, if we choose the camera and the software, we have the most control over how it's pointed, where it's used, how it's used, the direction that it's used.

[03:37:38] What kinds of filters we can put in to avoid unintentional image capture, ensuring certain privacy standards and just having that control, because to be honest, if this is happening and we decide to allow it to happen, which would be either us or the airlines, we should only allow it to happen if we are exerting the maximum out of control to protect our travelers.

[03:38:03] And the common use system would provide some advantages to allow us to be able to do that.

[03:38:07] I would also suggest that one area that a common use system controlled by us ensures a high level and consistent amount of training for those who administer.

[03:38:20] What we found in actually examining complaints about this system in other places is that where -- although people are advised that it's an opt out system if they so choose, when then making the decision to opt out, if the person staffing the camera then makes it difficult for them to do it by even something as minimal as rolling their eyes or sort of creating a big deal out of pulling them out of the line, then effectively it's not an opt out system.

[03:38:57] And so we need to make sure that we would allow us to ensure that training is up to the standards where that passenger, for whatever reason, has chosen to opt out.

[03:39:06] And they can do so without any sort of negative implications for them.

[03:39:12] So if I can add just a couple things.

[03:39:13] But but of course, the system, the training would be it would be airline, even if we were to use a common use system, would be the airlines using the common new system.

[03:39:20] So the training issue would be in place regardless of what, who's deploying.

[03:39:24] And just that. A couple of things. This is a technical standard.

[03:39:27] So there's not a lot of variance on which equipment can be deployed or how.

[03:39:31] There is a difference on the equipment, but there's a technical standard on a lot of these systems.

[03:39:36] So going back to Commissioner Felleman on yours is on the on the standardization through the compliance with the technical standard.

[03:39:44] That's where CBP is looking for compliance to meet the to meet that criteria with, you know, the standard within that.

[03:39:51] So that's part of their approach to that is making sure you don't have a variance on how it's done and how it's--

[03:39:57] I think that the standard with really at the capture point.

[03:40:00] I mean, you can have a certain DPI on your camera, but, you know, lighting and angles and all this sort of stuff is this point where you probably have more control.

[03:40:08] I mean, there is a standard, but there's probably more control over that.

[03:40:11] I would imagine that would be one of one of the potential upsides.

[03:40:18] I had another thought that I had a senior moment on I'll get back to it.

[03:40:29] Ok. Are there questions or comments?

[03:40:32] Alright this has been very--

[03:40:34] Just some really quick final--

[03:40:35] Okay.

[03:40:37] So as as Eric mentioned earlier, the next steps is really to continue drafting policy recommendations for the several use cases listed there, and we'll continue to engage with the special committee, the biometrics special committee with Commissioners Calkins and Cho as we go through that process.

[03:40:56] We will continue to engage with additional community members with various outreach and communications channels like Eric mentioned.

[03:41:05] Everything is posted on the program page so that anyone listening to this presentation right now can go ahead and look into that and provide any feedback they can have.

[03:41:17] In fact, as Eric mentioned earlier, he receives that outside of that external advisory group.

[03:41:22] So we encourage folks to continue to look at that.

[03:41:26] And lastly, we are marching towards the March 31st deadline to provide all policy recommendations for the remaining use cases.

[03:41:35] It is aggressive. And again, we thank all the working group and external advisory group as we go through that process and we plan for a full Commission briefing on those policy recommendations on April 14.

[03:41:47] So stand by for that.

[03:41:49] Yeah. So I would say-- I'm not sure why there's 2 question marks after a complete all policy recommendation by March 30.

[03:41:54] First, that is that is the direction that you have given us in your motion and we plan to do that.

[03:42:00] I will, however, say that even more important to me than meeting your deadline is to fully vet these recommendations through our external advisory group and with our external stakeholders.

[03:42:10] And so while we will have drafts of all those policy recommendations delivered to by March 31st, we very well might continue to engage our external stakeholders to continue to receive feedback on those drafts as we go over the next several months after that.

[03:42:25] And Eric, those two question marks, there was an emoji that was there with the fingers crossed.

[03:42:30] So Mr.

[03:42:32] Felleman.

[03:42:33] Okay. So I just-- did just dawn on me that this is ultimately a great upside for CBP if they don't to pay for it.

[03:42:40] Right. I mean, this is sort of like alleviating that budgetary concern.

[03:42:44] So I guess what I would say to you Commissioner not to get too much into the cost benefit because we're not here to sort of recommend whether CBP should do it or not.

[03:42:52] We would quote unquote, not have to pay for the cameras.

[03:42:57] However, the quote unquote cost to us of CBP doing it is they would take officers from international arrivals, which is already on average about an hour to 90 minute delay and use them for international departures.

[03:43:11] So the cost to us would be increased delays in our international arrivals part of our airport.

[03:43:17] So, again, we're not here to say one's better than the other.

[03:43:20] But I just want to be clear that it's not just a free lunch.

[03:43:24] These are critical considerations that are part of the, our job is considerations of the rights for the traveling public.

[03:43:31] So I would I would think the cost is one thing, but the these other these other considerations or are real.

[03:43:39] I guess the only other things like one of the other public comment issues was that the timing of the RFP with regards to the deliberations.

[03:43:47] And so we were ordering this equipment as if we already decided to buy it ourselves.

[03:43:53] So so let me be clear and we were really clear with our external advisory group, both by email and in person about what we did there.

[03:44:01] As was referenced in the public comment, we told them we are moving forward with this so that we can receive feedback from the vendor community about the state of the technology to better inform our policymaking decisions.

[03:44:13] We cannot make a procurement on that RFP because you as a Commission have not voted to authorize our procurement.

[03:44:21] And so, you know, whether people want to believe us, the staff, or not.

[03:44:26] It is literally would be illegal for us to make our procurement.

[03:44:29] And so that RFP, while it was released in no way commits you or the Port to doing anything unless and until you implement these policies and make a decision to authorize that.

[03:44:41] But those that those data are to inform our decision whether we would buy it for ourselves.

[03:44:47] It's really if the airlines did it, they have their toys.

[03:44:50] If the CBP did it, they have theirs.

[03:44:52] We need to understand just to educate.

[03:44:54] Absolutely. We need to understand the state of the technology, what it would mean for us.

[03:44:58] And that's very important to our Port.

[03:45:00] The public should understand what the considerations that-- and as long as it was over \$300,000, we'd have something to say about it.

[03:45:08] What we did ask is to ensure that the vendors were given the principles that you pass and to ask them, show us how you can meet these principles that apply for this RFP.

[03:45:21] And that way we can ensure, you know, if if they are not meeting the privacy principles that we laid out.

[03:45:29] That's one vendor that we won't look further into.

[03:45:32] So that really is how we were looking at it from that lens.

[03:45:37] And again, the state of the technology is great, but if it's not meeting our principles.

[03:45:42] We will not go forward with something like that.

[03:45:44] I just wanted to add, though, that I wanted to I think that the case that Ms.

[03:45:48] Lee from the ACLU made was more about the RFP language and that it indicated that we were moving forward.

[03:45:54] And I think Commissioner Cho did an excellent job of delineating exactly what the question is before us.

[03:46:00] It's not if it's how.

[03:46:02] Right. So, so--.

[03:46:03] And so I just think we need to really be clear about what the problem statement is moving forward.

[03:46:07] And perhaps we weren't when we formed the working group.

[03:46:10] I mean I think that there was so much confusion about what it was and there was sort of that-- everything was on pause.

[03:46:16] Are we going to do this?

[03:46:17] But the fact of the matter is, it is already happening.

[03:46:20] And so, again, going back to the how do we do it so that it protects the public as much as possible and we have the most control.

[03:46:27] But that is, I will say, is a Port as a Commissioner.

[03:46:30] We don't read the RFP.

[03:46:32] So I apologize to the public.

[03:46:34] And let me be clear.

[03:46:36] We have agreed already yesterday to remove any of that language from the RFP and we will release an addendum to all of those vendors making it clear that that language should not be in the RFP, because ultimately the only commitment that we can make is is a Commission decision whether or not to move forward.

[03:46:56] It doesn't matter what the airport staff agreed to a year ago or two years ago.

[03:47:00] You are the policymaking body and your motion is very clear that we will only move forward if you approve to do so.

[03:47:05] Thank you.

[03:47:06] So one final question.

[03:47:07] We have one more item before we wrap up here, but what is the expectation with regard to tracking with the opening of the International Arrivals facility in the fall with the implementation of whatever system we decide on?

[03:47:24] So so just to be clear, Commissioner, so we are discussing here today biometric air exit, which is departing international flights.

[03:47:32] CBP has full control over what is called the FISA, the Federal Inspection Services Area, which is where arriving international flights are.

[03:47:39] And the international arrivals facility that we're building right now is an F ISA.

[03:47:44] CBP will make a decision to install that technology, facial recognition technology into the IAF, into the FISA.

[03:47:51] We have absolutely zero control over that whatsoever.

[03:47:54] So these recommendations are not about arrivals.

[03:47:57] These recommendations are only about exit and what they do in the FISA.

[03:48:01] We will continue to monitor and track, but not in our control.

[03:48:05] Can I just add one thing-- this I just want people to understand this in particular with the International Arrivals facility, I just, Lance, I wanted to give you some feedback, or not feedback, information.

[03:48:15] I arrived in Miami from an over seas flight about three weeks ago.

[03:48:19] I went I went through their FIS, through, took the train to the second terminal, which is about eight minutes away and got got my bags checked the second time to go domestic, all within 70 minutes.

[03:48:32] It was remarkable.

[03:48:33] And it was because they must have had 50 of the kiosks.

[03:48:38] I know you would probably know the number, Lance, but it was significant.

[03:48:41] And the pictures make a big difference.

[03:48:43] I mean, there are not enough CBP officers to go around.

[03:48:47] There's never going to be. And so this is an important technology.

[03:48:50] But again, we need-- if we're going to spend a billion dollars on our international arrivals facility, it needs to work.

[03:48:56] It can't-- we can't have the delays that we have right now.

[03:49:00] Ok, on that one.

[03:49:01] I mean, just so it sounds like we either have no control or less than no control.

[03:49:08] I mean, it does--.

[03:49:09] For international arrivals, which is a separate topic that was not part of this.

[03:49:13] Right. So but so we have exit and arrivals and we--.

[03:49:17] And there's a whole. And then as you move along the whole list, you get more and more control as you move farther along t hat of the different options.

[03:49:23] Again, it really is-- as it builds towards that.

[03:49:26] You know, that's why I think you shouldn't shouldn't anchor yourselves just on this one on this one application, because if you look at some of the concerns that we heard from some of the people that commented, is that some of those implications, you know, with surveillance, some of the other ones that are clearly are clearly out there, that the Commission that has a large some of those principles can clearly be applied to--.

[03:49:49] Outside, in the airport itself.

[03:49:50] And so I think-- it does seem like this is happening, having our control over it is the best we could do to ensure public safety.

[03:49:59] But the good news is in our rough analysis, my perspective is the areas where we have more control, which is cameras that are located in our lobbies.

[03:50:09] Is that information used for purposes that of mass surveillance?

[03:50:14] That we do have control over?

[03:50:15] And so that, you know, that the next phase of the work, I think, is going to be really essential to making sure that we establish a good policy that ensures that it doesn't go that direction.

[03:50:24] And the good news is we do have control.

[03:50:26] Yeah. Yeah. Let me just highlight that point and I'll get over my skis just a little bit.

[03:50:32] It is my belief that there will be many potential uses of biometrics that the Port does not endorse.

[03:50:40] I do not think we will allow biometrics in every single nook and cranny of every single Port facility.

[03:50:46] This use case that we talked about today, fortunately or unfortunately, depending on your perspective, we don't have that luxury.

[03:50:54] But some of these other that are bulleted here, we will be much, much-- We have a much different set of recommendations.

[03:51:01] Let me say that.

[03:51:02] So the point being that just because we make a decision one way today doesn't necessarily mean we will continue to make that decision the same way on other uses of biometrics.

[03:51:12] That's the point here.

[03:51:13] Ok. But we could make those decisions with greater control if we harness this at this point.

[03:51:23] Ok. Let's move on to item number 9B.

[03:51:28] Now it's satellite modernization, budget increase briefing.

[03:51:42] Commissioners this briefing will go into detail how and why the current North Satellite Modernisation Project cost estimate at completion is forecasted greater than the budget authorized by the Commission.

[03:51:53] Scope changes, additional soft costs, unforeseen conditions, and remediation are just a few of those cost drivers.

[03:51:59] This briefing lays out the intention of the project team to return soon for Commission authorisation.

[03:52:04] The presenters are Ken Warren and Rad Milosovic.

[03:52:12] Good afternoon, Commissioner.

[03:52:18] Good afternoon, Commissioners and Executive Director Metruck.

[03:52:22] We're here to provide a briefing of the North Satellite Modernization Project.

[03:52:26] The budget was authorized for construction in August of twenty seventeen.

[03:52:31] As you recall, in our past briefings we've been evaluating our estimate d completion.

[03:52:36] We now know more about the project and what lies ahead and are projecting a need for additional funds.

[03:52:51] It's not working.

[03:53:03] Thank you, sir.

[03:53:08] Our forecast today indicates a 5.9

[03:53:11] percent increase, equating to \$40 million.

[03:53:16] We've broken this request into categories.

[03:53:19] This represents changes in the process of negotiation, changes necessary to complete the project, added scope, support costs and differing site conditions.

[03:53:33] They have all been contributors.

[03:53:39] Labels are correct .

[03:53:50] So what does that mean to you, Commissioners?

[03:53:54] It means there've been many small incremental changes impacting our forecast with the exception of contaminated and unsuitable soils, which is about \$8 million.

[03:54:04] We're also planning a \$5 million management reserve controlled by Executive Director Metruck.

[03:54:11] To further break out what the funds represent.

[03:54:14] I would like to highlight just a few: Completing that design development allowance.

[03:54:20] We have been reporting for some time that that was higher than expected.

[03:54:24] Higher than anticipated market conditions since twenty seventeen when the project was authorized.

[03:54:32] The phasing complexity and the complications with the passengers circulation path during construction.

[03:54:39] That's the central core, the escalators where we have people going through the project while we're constructing it.

[03:54:46] Cost impacts to the budget are both capital and expense related.

[03:54:53] Again, we also discover and continue to exceed our predictions for the soils.

[03:55:02] Moving forward, we continue to work on risks and our team expects phasing, resources, art, construction , gates, and availability of gates temporary system removal at the end of the project all to be mitigated.

[03:55:20] We have included these risks in our request.

[03:55:26] Phase one taught us how to be successful and how sweet that is.

[03:55:31] Reflecting on our experience and striving for continuous improvement is our team's nature.

[03:55:36] We continue to capture our lessons , are achieving better results, and communicate them out to our fellow team and stakeholders for implementation.

[03:55:46] Port wide. I'd like to now allow Rad to talk about small business.

[03:55:53] So the next couple of slides deal with small business participation and apprenticeship participation.

[03:56:01] First off, I'd like to tell you that we have good news that both of those are-- all of those actually-- meeting the goals and requirements are projected to meet our goals and requirements.

[03:56:12] This is going to look a little different than what you're used to seeing now with that diversity in contracting.

[03:56:18] This was established in 2017 prior to diversity in contracting.

[03:56:24] So what happened is the contractor who is on board already planning the project sat down with the Construction Management Management CPO and also the Office of Social Responsibility, looked at the work at hand and tried to come up with its work packages that can be bid to the small businesses without affecting the overall efficiency of the project.

[03:56:46] So right now we're looking at the S.E.S.

[03:56:50] Participation requirement, assistance for small contractors and suppliers, which is a list of contractors that certified within King County of 12-point.

[03:57:02] Sorry. That's 25.

[03:57:06] I can't read the numbers from here very well.

[03:57:08] So now we have a goal which which is in the left hand side are record requirement on the left hand side in yellow.

[03:57:16] And right now we believe that we're going to exceed that, which is the middle bar.

[03:57:21] That is how much commitment we have to date.

[03:57:24] And not all of those subcontractors have been fully contracted yet, but we believe that's what we're going to get at the end of the job.

[03:57:32] And right now, the blue chart on the right hand side is what we have paid to date.

[03:57:38] The project is probably about 64, 65 percent complete, which tells you that some of these are are definitely on well on their way to meet or exceed the goals.

[03:57:49] Next slide, please. So similar to that with apprenticeship participation, the on the left hand bars are goals and the right hand bars are current utilization.

[03:58:03] And as you can see, we meet and exceed all those as well.

[03:58:09] So our project schedule continues to track based on our 2017 authorization.

[03:58:15] Our partner, Alaska Airlines is collaborating with us to continue our focus on the schedule.

[03:58:21] We expect to deliver on time.

[03:58:24] Our contractor is to be commended for their dedication.

[03:58:30] And work. I believe our contracting methodology, coupled with Hensel Phelps, Hermanson, Rebecca, and our other subcontractors exceed our expectations.

[03:58:43] Onto the s how and tell portion of the program.

[03:58:48] Here's an exterior shot of phase one.

[03:58:50] This is the expansion to the north of the nineteen seventy three terminal that we opened on January 23rd.

[03:58:55] Twenty nineteen. Here's a great 1973 photo showing the means of the construction.

[03:59:02] Nearly 48 years ago.

[03:59:07] Here we tracked the facility just prior to construction in the upper left where we are today.

[03:59:12] That picture was taken last week on Friday and where we're headed to in the bottom right corner.

[03:59:21] As you can see, the Concourse is being constructed and we plan on closing the building envelope soon.

[03:59:28] You can see in the upper left that was the project before we started.

[03:59:32] In addition, I'd like to share with you our magnificent marketplace is really beginning.

[03:59:38] You can see the picture on the bottom right.

[03:59:40] It's really beginning to take shape, showing the great views to the West and really what this project is about.

[03:59:48] Our baggage expansion is complete.
[03:59:50] The upper picture in the upper left corner, the grand elevator in the lower left corner is beginning to take shape and the airfield shot from the west showing the construction progress.
[04:00:03] In addition, Concourse C train station and the escalator replacement at Concourse C opened in January, completing our Concourse C program work.
[04:00:13] The art piece is also installed, as you can see-- that's the upper right picture.
[04:00:21] Our preserve plant wall has been determined.
[04:00:24] The black leaf sculpture on the center has been procured.
[04:00:28] And the John Grade Boundary has been constructed.
[04:00:31] You can see in the bottom right corner of the actual construction of the art piece.
[04:00:36] It's now waiting to be installed in the marketplace in storage at his facility.
[04:00:49] We also would like to recognize our partners, Alaska Airlines.
[04:00:57] You can also see here how the original satellite was prepped for the final Jet Bridge installation four months prior to the opening in July 1973.
[04:01:08] We'd like to go back to the Alaska lounge photographs and talk about the support Alaska Airlines has verbally in support of our request.
[04:01:18] And they've notified me today of that.
[04:01:24] Here's this great picture of the nineteen seventy three facility, about three or four months before the project started almost 48 years ago.
[04:01:34] Again, we know it's challenging to report the financial news, but it is important that we be transparent, that we improve our delivery and we continue to improve on completing the program's scope, schedule and budget.
[04:01:51] We invite any questions you may have at this time.
[04:01:56] Commissioner Bowman.
[04:01:57] Sure. I don't. It's not necessarily a question, but maybe go back to slide one, two, three, the factors driving increase and I would just ask more for Steve or Lance.
[04:02:08] I mean because you've done such.
[04:02:09] You did a really excellent job on phase one, but many of these things are things we've been experiencing for other projects over the years.

[04:02:17] And I call out the market condition, the contractor availability phasing is facing complexity when I think about the IEF in particular, scope additions and then it's especially important the contaminated and unsuitable soils.
[04:02:34] Yeah. And so I just would ask that the team really think about how, as we're planning these projects.
[04:02:40] It feels like we're sort of surprised by these things, but there are common themes that we seem to be having with our large capital projects at the airport.
[04:02:48] So I would just ask that, you know, I don't know what the plan is, but some bring us some recommendations about how we're not continually saying not enough labor, the soil is bad.
[04:02:58] We know the soil is bad.
[04:02:59] So as we're moving forward with SAM and other projects that we're anticipating that in advance.
[04:03:05] I mean, that's part of the reason we have the--.
[04:03:07] That takes us back to our estimations of how we handle those and bring it forward.
[04:03:12] So in developing this program, we did do a lot of preliminary work.
[04:03:18] We actually potholed in 100 different locations around the existing project before we started.
[04:03:24] We estimated our contaminated soils based on those findings.
[04:03:28] Everywhere we've dug since then has found contaminated or unsuitable soils.
[04:03:32] So it was a bit of bad luck in our plan not to say we didn't do our due diligence back in 2015, 2016.
[04:03:40] It's just perhaps maybe in the future you want to hear a suggestion.
[04:03:44] Maybe we double the number that we're planning on way back when--
[04:03:47] Right. That's where I was going.
[04:03:48] We had the same issue with IEF.
[04:03:50] That the first soils didn't seem bad and then--
[04:03:53] So perhaps we shouldn't trust all of our own information when we're developing those programs early on.
[04:03:58] And that might be a good lesson to reflect back on for as we move forward.
[04:04:02] I think it goes back-- just to go back to some of our other lessons learned from other projects, which includes two independent estimators and things like that that we'll build into that as we come back to you.
[04:04:13] Say what process improvements are we doing overall to our capital delivery system?
[04:04:18] So when you say pot holing?
[04:04:20] Is that-- that's a core sample?
[04:04:23] Absolutely. I like to defer to Rad--.
[04:04:25] And so. How deep do we go for a question?
[04:04:28] It depends. I mean, it depends on the area.
[04:04:30] Oh, sorry. It's basically decided by the engineers at the time that it's being done based on some data that we have on the materials that are out there.
[04:04:39] So they go anywhere between several feet, two, maybe 10 feet down.
[04:04:45] It also is controlled probably with how deep you're going to go with your excavation.
[04:04:49] So, yeah, now we're not required to chase it.
[04:04:53] We just have to deal with the stuff that we find.

[04:04:56] So we're primarily working around the satellite in the top six feet for the most part in excavating and then recompacting to provide that new ramp concrete area and that thick concrete so that we have that infrastructure there for the satellite of the future.

[04:05:10] So obviously you don't go shallower than that, although it sounds like-- Do we find PCBs?

[04:05:15] What are we finding ?

[04:05:17] Yes, is a lot of fuel and a lot of glycol.

[04:05:22] Not exactly surprising, but yeah.

[04:05:24] No, not surprising things.

[04:05:25] And for the most part, the glycol isn't a big deal.

[04:05:28] But when it gets to such as concentration, when our contractor tried to compact it and it has to meet the FAA requirements, it tends to be more like sand, you know, and the soil conditions out at the North Satellite are very sandy.

[04:05:39] It used to be a lake bed area over there.

[04:05:42] So when you combine the natural conditions with that glycol, it tends to be more like putty than it is, you know, a hard compaction soil that we're really desiring in order to maintain that good base course for that ramp concrete.

[04:05:55] Do you have to actually go deeper with your foundations or are you-- just it's just a bigger cleanup?

[04:06:00] There are a number of different remedies that we use.

[04:06:02] I mean, is part of the cost or that is that--

[04:06:05] It's not just a clean up, but a yeah.

[04:06:07] I'm just thinking that, you know, there are actually dogs right now that can detect PCBs .

[04:06:12] You can walk a dog through a parking lot and detect these PCBs.

[04:06:16] That's what King County does. I mean, it seems like some of this stuff we could just almost guarantee.

[04:06:20] Yeah. This is primarily fueling and glycol and--.

[04:06:24] Which would be even easier to detect.

[04:06:26] So many times we remove the material and we bring in other material to replace it so that we can't get that compression.

[04:06:33] You know, we are trying to deliver this project and we're trying to move quickly.

[04:06:38] And a lot of decisions that we have to make have to be a quick, quick decision.

[04:06:43] So if we start having a lot of trouble in the middle of a rainstorm with compaction, maybe easier to remove it and get it done and move forward with our with our concrete, which then we have additional costs and incur.

[04:06:55] But on the overall schedule, you know, we have 18 months to go and we are working very diligently in delivering this project.

[04:07:04] So speaking of which, this project is still on time for the expected completion date.

[04:07:10] You said it was 18 months from now about what does the percent completion?

[04:07:16] Dollar visor at about 65 percent.

[04:07:19] About how much?

[04:07:20] 65.

[04:07:21] And so what is the expectation at this point that this is this is going to get the job done?

[04:07:27] The additional authorization?

[04:07:29] I wouldn't be here before you if I wasn't confident.

[04:07:34] OK, so--.

[04:07:35] I'm confident if we did what we know today as of today.

[04:07:39] We met this afternoon to discover where our forecast is.

[04:07:43] We have continued to forecast since we set our number in early November.

[04:07:48] I'm pleased to report our number hasn't changed.

[04:07:51] We do continue to work in the ground since November.

[04:07:55] So we are discovering things.

[04:07:57] We have forecasted additional mitigation within that request.

[04:08:01] So, so far, things are in line.

[04:08:02] Well, I appreciate the clarity of your presentation and your directness here with us with regard to the explanations and.

[04:08:12] I also would just comment that the original budget six hundred seventy two million.

[04:08:20] This is a five point nine percent increase, which is not a huge amount.

[04:08:24] In that context.

[04:08:26] Nevertheless, we need to look at lessons learned and unexpected, unforeseen and-- what what was the delivery method?

[04:08:34] This is GCCMA, our general contractor.

[04:08:37] Some people call it CMS.

[04:08:38] Right. Yeah. OK.

[04:08:40] So we leveraged that methodology--.

[04:08:42] Because very that's important to note as well that that can have a big impact on the success.

[04:08:50] That's a big change in process.

[04:08:52] Yeah. Yeah.

[04:08:53] Well, those are changes that are in process of changes, completing things that are underway.

[04:09:00] It's not a change in the process underway.

[04:09:03] Changes that are in process, under negotiation, that are sometimes work in place.

[04:09:07] Sometimes it's work that we're yet to to install.

[04:09:09] So me of those things could-- we could talk about our-- like the nursing suite.

[04:09:13] Yeah. Yeah.

[04:09:14] We worked really hard on our restrooms to complete the design in late twenty eighteen.
[04:09:21] We actually opened in January twenty nineteen.
[04:09:23] So we were going as fast as we could on those restrooms to incorporate everything that all of our stakeholders wanted to have the best restrooms we could on January 23rd.
[04:09:33] Well I also wanted to ask you regarding the goals for small business participation.
[04:09:41] Now, these were were not shown as percentage goals.
[04:09:44] They were dollar goals.
[04:09:47] How does that how does the increase, even though relatively small, affect these goals to the goals change with the added-- with the 40 million additional--
[04:10:00] The goals shouldn't change because they don't change with the changes.
[04:10:03] So the change in amounts are not added to them per contract right now.
[04:10:07] So the goals are established in the original contract and getting tracked in the region.
[04:10:12] And I do want to offer praise for the accomplishments here.
[04:10:16] There are fairly significant accomplishments with regard to small business participation, small contractor participation.
[04:10:25] You're showing meeting or significantly exceeding in some areas.
[04:10:29] Those original goals.
[04:10:33] Purple is what we actually paid.
[04:10:35] Well, that-- that's projecting out the the total committed participation in the green-- budget meeting or exceeding in all categories.
[04:10:48] And then I think particularly noteworthy is the achievement of the apprenticeship participation.
[04:10:53] And I think that points to an excellent working relationship with the with the prime contractor and their commitment as well if they're in the room here.
[04:11:03] I think they deserve praise for for achieving those-- that level of result.
[04:11:07] Absolutely.
[04:11:08] And so I just wanted to call that out.
[04:11:10] Thank you, Commissioner. I'll be sure to pass that onto our contract.
[04:11:13] Thank you.
[04:11:14] Change of scope is one of those things.
[04:11:16] That is not a-- it's not a fault.
[04:11:19] It's a choice.
[04:11:21] Right. So how much of that wedge is ours versus the airline?
[04:11:26] How much do we own of that?
[04:11:27] Good Question.
[04:11:32] More on Port side than it is Alaska side, and you know.
[04:11:39] Those damn bathrooms? [Laughter]
[04:11:42] You know, it's tough to to really dig into this because a lot of the things is work in place.
[04:11:48] But we would like to note that a lot of these items are not high dollar amount in and of themselves, but when you have a multi-year program with your project and you have a lot of requests, it's a whole lot of issues.
[04:12:01] I've highlighted that, you know, we have \$8 million in contaminated unsuitable soils.
[04:12:05] We've got a five million dollar reserve.
[04:12:07] And the rest of it is a whole lot of little things.
[04:12:10] You know, it's not one massive thing.
[04:12:13] You know, to highlight another issue that came up is our building is not quite, as we would expect, the 48 year old building is not quite as level as we would have expected.
[04:12:24] We did do some value engineering efforts back in time in the program and we expected to do a simple overlay of the terrazzo.
[04:12:33] As we found out when we took the building apart over the last few months, if we were going to do that overlay, we would actually be into the sand bed on the south end of the facility.
[04:12:43] You can't do terrazzo like that.
[04:12:45] So we unfortunately had to pull all of that terrazzo out and then we're resetting the building so that actually it matches with the new expansion piece.
[04:12:53] So the floors will actually work properly and we're not going to have a building that's leaning.
[04:12:58] So we've discovered some things.
[04:13:00] So those that's like what would be considered a differing site condition.
[04:13:04] But it's also a change in the fact that we didn't expect that.
[04:13:07] You know, perhaps in hindsight we should have said, well, we don't want to be on that but we really thought that we were had a good building--.
[04:13:16] That would have been considered a scope change rather than a--
[04:13:20] That might be considered a different site condition.
[04:13:22] But also part of it might be scope change as well.
[04:13:25] Well, I have a level-- you can borrow it.
[04:13:27] Yeah, I think Ryan might know a good tile contractor.
[04:13:33] Do we have a now or questions?
[04:13:35] All right. Thank you. It will come back for authorization.
[04:13:39] We plan on returning March 10th, f or--.

[04:13:41] Okay. All right. Thank you very much.

[04:13:43] Very good presentation.

[04:13:45] We have one remaining item, which is any referrals to committees.

[04:13:49] Are there any or any other Commission member announcements or reports or anything?

[04:13:55] [crosstalk]

[04:13:58] So we're good.

[04:14:00] Good work. Good work.

[04:14:01] Good work. All right.

[04:14:04] Yes.

[04:14:05] Meeting is adjourned. Thank you all.

[04:14:07] Have a good evening.

END OF TRANSCRIPT