

Coalition for a Sustainable SR 520

Madison Park.. North Capitol Hill.. Montlake.. Laurelhurst..Roanoke Park/Portage Bay. .Boating community
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Ms. Gloria Shepherd
FHWA Associate Administrator
Office of Planning, Environment & Realty
1200 New Jersey Ave., SE
Washington, DC 20590

June 20, 2011

Re: Washington State Department of Transportation State Route 520 Project

Dear Ms. Shepherd,

We represent the Coalition for a Sustainable SR 520, the voice for thousands of Seattle residents and property owners who will be impacted by the above referenced project. We write at this time to correct some important errors and mis-leading Statements in the recently published FEIS. Please investigate these issues yourself so that your ultimate decision on this project is based on an adequate and accurate record.

WSDOT is expecting you to issue a Record of Decision for this project on or soon after July 11, 2011. Part of the *Final Environmental Impact Statement* was published on June 10, 2011, with the rest published on Friday the 17th. The three prequalified contractors submitted bids on June 8, 2011.

Due to the incomplete, misleading and erroneous information in the FEIS, the time is far from ripe for a ROD on this project. We ask you, as the federal agency with primary oversight, to take a hard look at the facts and defer issuance of a ROD until several serious problems are remedied. Chief among them:

1. The *FEIS* glosses over the reality of the plan WSDOT seems most likely to implement (because of financial constraints): to build a bridge part way across Lake Washington and then stop, out of funds for many years, maybe forever. This partial bridge would not improve mobility and would leave severe safety issues on the west (Seattle) side of Lake Washington unaddressed. It makes no sense to spend billions on the partial bridge unless there are assurances that funding can be obtained for the rest of the bridge—but those assurances are lacking.



The FEIS does discuss this “partial bridge” as a “Construction Phase One” phasing (*FEIS 5.15*), but gives only cursory mention of the very real probability that it will be a very long term or permanent condition. The FEIS does only a perfunctory analysis of impacts, but even this would convince any disinterested party that it makes no sense to expand the bridge to 6 lanes part way across the lake, then have traffic merge into the existing 4 lanes, while leaving the safety problems on the west side unaddressed. In fact, the analysis indicates that spending \$1.7 billion for a partial bridge does not improve round trip travel times over the “no build” option, either for HOV or for general commuters (*FEIS, pages 5.15-5 and 5.15-3*).

The State admits to being short the \$2 billion necessary to build the western part of the I-5 to Medina project, with no foreseeable way of covering the enormous shortfall. \$2 billion is a huge sum relative to the State’s highway improvement program, which for the 2011-2013 biennium has \$1.5 billion for all projects other than the two megaprojects, SR 520 and SR 99. The \$ 2 billion shortfall also represents 50% of the total \$ 4.0 budget for the 520 project from I-5 to Medina.

A long-term or permanent partial bridge is very different from the alternatives studied in the 2010 SDEIS. Consequently, the public has had no opportunity to consider and comment on this partial bridge plan, and no opportunity to compare it with reasonable alternatives ... particularly to compare it to an alternative of fixing all the safety problems rather than expanding the number of lanes on part of 520.

A ROD should not be issued for the partial bridge until its impacts as a stand-alone project have been adequately and fairly analyzed and until the public has had an opportunity to comment.

2. The applicable Metropolitan Transportation Planning Organization, the Puget Sound Regional Council (PSRC), has approved the “Partial Bridge” for construction (subject only to release of the FEIS). However, the PSRC has not approved the full I-5 to Medina project and cannot do so, since the funding is not available. Because the PSRC has not approved the whole I-5 to Medina project, a ROD for this project cannot be issued lawfully.
3. The PSRC approved the partial bridge based on the State’s assertion that it has funding for this part of the project. In reality, funding has been authorized for the partial bridge, but it is unlikely to materialize. Funding for even a partial bridge is dependent on toll revenue bonds and on bonds backed by anticipated future federal highway funds (see Exhibit A), but both of those funding sources are highly problematic.
 - i. Bonds on 520 tolls: A Statewide voter initiative (No. 1125) is headed toward the ballot in November. This initiative, which would restrict the type and use of tolls, has recently received funding of \$500,000, and many of its sponsor’s previous initiatives have passed. It is highly unlikely that the State can float bonds based on tolls until this issue is settled. This source for acquiring \$800 million is not realistic in the short term, and may not be in the long term.

- ii. Bonds on future grants of federal highway funds: Because of the uncertainty of the amounts and timing on grants of future federal highway funds, it is highly unlikely that the State can float large amounts of bonds backed by anticipated future grants. This source for acquiring another \$800 million is not realistic in the short term, and may not be in the long term.

We would be pleased to supply you with much more detail on the financial situation.

Because even the partial bridge project does not have funding, a ROD should not be issued for even that limited section.

4. You should be skeptical about WSDOT's preference for its preferred alternative. WSDOT committed itself to this alternative long before it completed the FEIS. As you know, agencies are required to keep their minds open until they get the environmental analysis in the FEIS. But WSDOT has demonstrated over and over again that it made its mind up long before the FEIS was done. Now, WSDOT is in the uncomfortable position of having devoted tens of millions of dollars to its preferred alternative. Do you think that agency, with that much on the line, is able to make a reasoned decision among alternatives? Do you think it is even capable of even preparing an objective FEIS? Of course not. The FEIS is terribly biased in key sections as its authors strive to justify a decision already made. Your agency, free of these constraints, should insist on a new, objective evaluation and a new decision after that truly objective analysis is completed.¹

We are aware the State will say this project has been studied for 14 years, with much community input. The 14 years is true, and many of us have participated for that long in good faith efforts to get a good solution. However, we have observed that the community input is taken only with respect to small tweaks of the State's plan. Questions on major issues like those described above are routinely ignored.

We believe that the Washington State officials are actively denying and ignoring the effects of their preferred alternative, in order to ram it through, irrespective of its impacts. They chose their plan long before environmental review was complete; they refuse to look at options which might well have better results and cause less damage; they avoid acknowledging, and thus having to mitigate, damage that will clearly result; and they generally elevate form over substance in complying with environmental laws. They are rushing to implement their plan before objections gain traction.

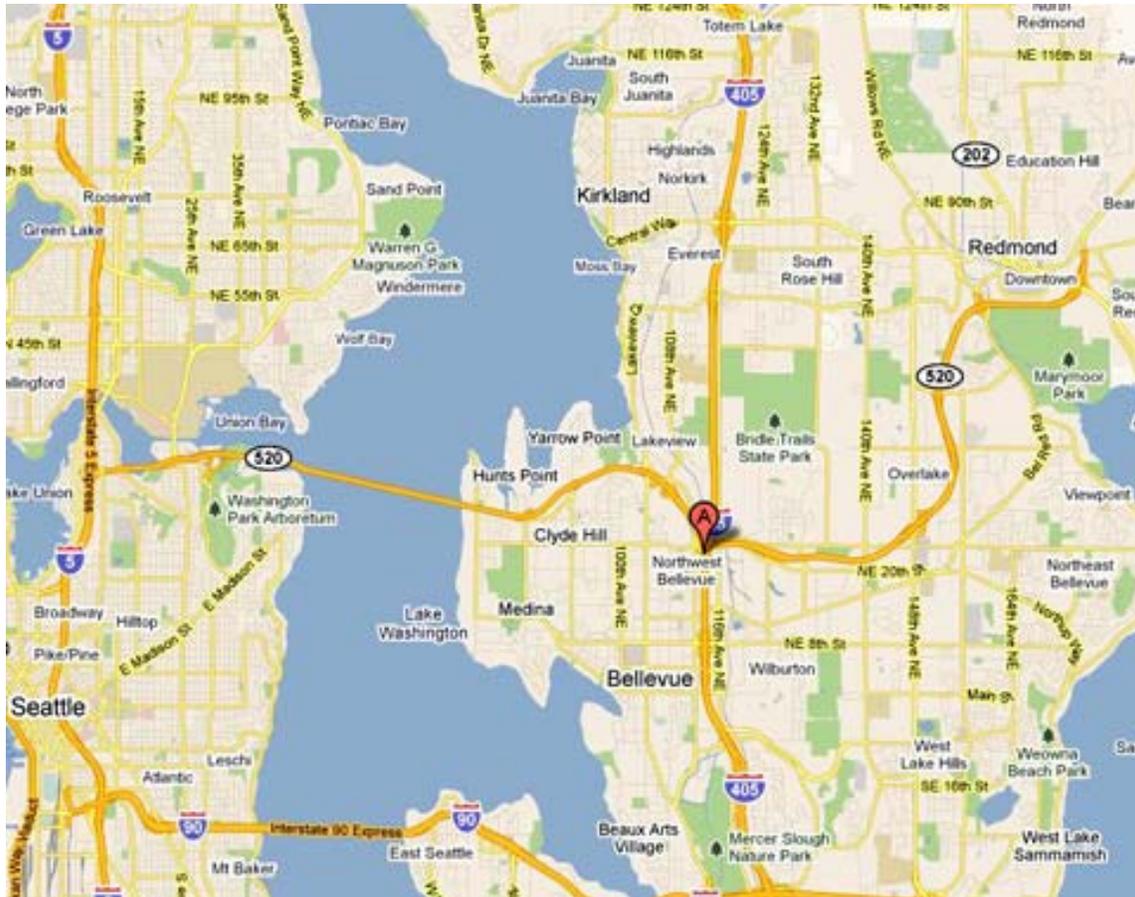
What has happened is bullying and whitewashing, not analysis. We ask you not to issue a ROD until these issues are resolved.

¹ WSDOT's SR 520 project is three miles from downtown, the site of WSDOT's State Route 99 tunnel project. It probably is not a coincidence that WSDOT is using the same approach on both projects: making its mind up first; committing huge sums to its pre-ordained choice; and then struggling to create an EIS that justifies the decision already made, instead of creating an objective EIS to be used in making a valid decision in the first instance.

BACKGROUND

The Coalition for a Sustainable SR 520 represents the communities adjacent to the highway. We do not object to expanding SR 520, if it is done in a way that will enhance long-term mobility and minimize damage to the natural and human environments. The Coalition has strong objections to the State's current preferred alternative plan.

The highway SR 520 is primarily a commuter highway across Lake Washington, connecting with the major north-south interstates: I-5 in Seattle and with I-405 on the east side of the lake.



The 520 expansion project was initially a single project, but WSDOT broke it into 3 segments. Two of these are already underway, in spite of their interdependence with the third segment. This remaining segment, the western portion of the project, the "I-5 to Medina" segment, stretches from SR 520's termination at I-5 to the eastern shore of Lake Washington. An *SDEIS* for this segment was published in January 2010.

OTHER ISSUES

While presenting thousands of details, the FEIS manages to ignore the big realities.

A) On the densely-settled Seattle side, the Preferred Alternative is much wider than 6 lanes.

The State's currently preferred alternative talks of a seemingly modest expansion of SR 520 in Seattle from four lanes to six (if funding were available). But the planned expansion is really much more than that. Most of the highway is now about 60 feet wide, 4 lanes plus on and off ramps. The Preferred Alternative expands the highway on the Seattle side to as much as 262 feet wide: 6 lanes, but also wider shoulders plus two sets of on and off ramps (HOV and general purpose).

The proposal would force this massively enlarged freeway through densely settled neighborhoods, wetlands, bays, and recreational open space. The western end of the SR 520 project runs directly through the heart of Seattle's Montlake, Portage Bay, Roanoke Park and Capitol Hill communities, and passes between the communities of Laurelhurst and Madison Park. Thrusting a major highway near surface level through an area like this is a 1950's solution, not a 21st century solution.

Roanoke area: FEIS 2-40



Montlake area: FEIS 2-47

East of the Montlake interchange, the highway will be 160 to 262 feet wide! Few citizens seem aware of this vast expansion of the footprint. The FEIS certainly does a poor job of communicating this information. Most people still think the planned expansion is simply adding a single travel lane in each direction.

- B) On the west side, most of the area to be used for expanding 520 will be taken from wetlands, open space, parks, and properties which should be classified 4(f).**

WSDOT's routing was chosen in part because it was cheaper and easier than others; that is, because it is mostly open space rather than housing. Congress passed 4 (f) precisely to halt agencies' proclivity to make the "easy" choice of converting park land to highway use. But that is exactly what WSDOT has done. Having chosen this route, the FEIS concludes that there is no way to avoid taking 4(f) and other protected properties! The preferred alternative would forever change the whole area, which is oriented toward the water and open spaces. Contrary to Statements in the FEIS, the bays and wetlands are heavily used for swimming, canoeing, kayaking, other small boats, bird watching, wildlife viewing, etc.

520 expansion takes recreational open space



The planned expansion is more than twice as big as today's 520, and almost all of the land to accommodate it will come from parks, wetlands, open space, and open water used by wildlife and for recreation.

We will write more on this subject when we have had a chance to fully digest the FEIS, but we want to bring it to your attention now, since the FEIS does not make it clear. We strongly believe that alternatives are available which would do less damage to the environment.

C) The preferred alternative does not address the earthquake safety problems.

The project was sold to the public primarily as a safety fix. However, the State's current plans make it clear that highway expansion, not safety, is the goal:

- WSDOT worked on the non-safety parts of the project first. WSDOT has already hired contractors for the project east of Lake Washington, which has no safety issues, and work there is underway. Meanwhile, the safety issues in Seattle take a back seat.
- While WSDOT devotes money to non-safety portions east of Lake Washington, it says it has no money to fix the worst safety problems in Seattle. The bridge is subject to two threats: a windstorm could damage the floating portion and earthquakes could damage the western portion (which rises above Lake Washington and Portage Bay on piers). Construction of the

“partial bridge” would fix safety problems of potential windstorms on the floating portion of the bridge. But it will leave the hollow piers that support the west side of 520 today vulnerable to earthquake. It essential to fix the safety problems on the whole length of I-5 to Medina now, instead of expanding one portion of the project to 6 lanes and leaving the other portion with its safety problems untouched.

- The current plan for the I-5 to Medina segment is to expand four lanes to six on the floating (east) part of the bridge and then await further funding for an indefinite period before re-building and expanding the pier-supported western section. Thus, for many years, the worst safety problems in Seattle will remain unabated—while WSDOT completes non-safety improvements on the eastside of the lake and expands to 6 lanes over part of the lake.

D) The preferred alternative reduces capacity on I-5, the north-south interstate through Seattle

The preferred alternative has only one additional connector to I-5, connecting to the reversible express lanes which travel south in the morning and north in the afternoon. There are no additional ramps or lanes connecting with I-5 in three of the 4 directions;² consequently, additional vehicles from the expanded 520 will have to squeeze onto existing ramps going in these three directions.

The one new connecting ramp will actually land on an existing I-5 express lane, thus changing its use from north-south commuters and freight to east-west commuters. Taking a lane for 520 commuters means that only 3 lanes, instead of today’s 4 lanes, are available for north-south traffic. (Exhibit B) This configuration also causes several new weaves, which by themselves will slow I-5.

Reducing capacity on I-5 will certainly cause increased congestion and delay on the express lanes, spreading to the main lanes. Although the FEIS claims that I-5 has enough capacity for this because other I-5 chokepoints will not be remedied, (*FEIS 5.1-23*), common sense tells us that an interstate highway which is already congested during much of the day, in a region which is projected to grow rapidly, should not have capacity reduced. At the very least, it seems imprudent to remove capacity from the main interstate in an area where geography prevents future expansion:

please see image on next page.

² There are no new ramps connecting I-5 southbound with 520; connecting 520 with I-5 northbound; or connecting I-5 and 520 into\out of downtown Seattle opposite the reversible lane connection.

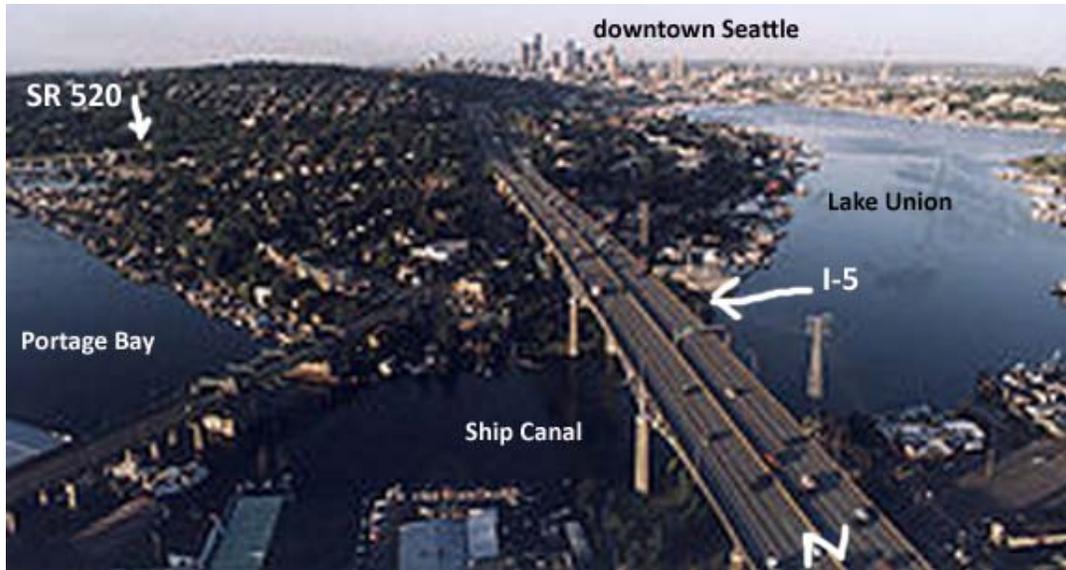


Image from Wikipedia, with our annotations. Bottom of page is north; downtown is to the south.

Until we discovered this issue a few months ago, in its numerous public meetings and publications WSDOT did not mention reducing I-5 express lanes from 4 to 3 near SR 520. A diagram like the one on Exhibit B attached is essential to understand what is going on, yet we have not found one in the FEIS. The Executive Summary of the FEIS says only “Add an HOV connection to the I-5 express lanes that would operate westbound to southbound in the morning and northbound to eastbound in the afternoon.” (p.30. There are two similar references, on pages 26 and 28.)

In the FEIS itself, one has to go page 108 of the Transportation Discipline Report in Attachment 7, before finding a clear articulation of the plan: “The Preferred Alternative would reduce the number of lanes from four to three in the Express Lanes across the Ship Canal Bridge to provide space for a single new HOV/transit ramp to and from SR 520....”

Consequently, there has been no public discussion of the important tradeoffs involved, or about the wisdom of taking a lane away from I-5, or of creating new merges and weaves. Instead, there is a lively civic discussion on the need to relieve I-5 congestion by removing bottlenecks to increase its throughput. This is yet another example of WSDOT trying to hide the ball and use the EIS, not to inform a decision to be made, but to justify a decision already made.

Better alternatives are available.

The State has failed to use the environmental process to evaluate realistic alternatives which might produce better mobility with less environmental damage.

- The *EIS* for this project considered alternatives only in conjunction with a set of assumptions which doomed them: *e.g.*, comparing the six lanes with tolls to a “no-build” base case without tolls. The process also eliminated some promising alternatives on the basis of preliminary and biased cost estimates. Again, because WSDOT had its mind made up and was spending many

millions on its pre-determined choice, it had no interest in presenting a fair analysis of reasonable alternatives in the EIS.

- In the EIS, the "no build" base case was invalid—to do nothing to 520. We all agree that safety improvements and small fixes are necessary, so "do nothing" is not a valid base case. In addition, tolls are now to be put on SR 520 within a few months. To date, WSDOT has compared a "no build" scenario without tolls to its preferred alternative with tolls. The base case—or another alternative—should include safety fixes, minor improvements, and the same assumption on tolls that is used for all alternatives. (The FEIS does include a 'No Build Toll Sensitivity Analysis' in Attachment 19 to the FEIS, but the base case is still invalid.)
- There has been a failure to review other alternatives once the environmental impacts of WSDOT's preferred alternative were understood. The process eliminated some alternatives, like an improved four lanes, before the huge environmental impacts of the State's preferred alternative were known. Now that those impacts are more apparent, tradeoffs should be considered.

In the light of the financial shortfall, the *FEIS* should consider:

- Make fixing the safety problems the first priority, or simply reconstruct a four lane highway from I-5 to Medina. Then when funding is available in the future, implement a better plan for expansion.
- Use congestion pricing tolls plus improvements in the four lanes to increase throughput.

If and when it is appropriate to evaluate alternatives assuming that financing will be available, the following should be included:

- Using lanes 5 and 6 for transit only, which could eliminate much of the environmental damage (by reducing the need for extra on and off ramps) and improve mobility by eliminating the congestion which will be created on the Seattle side;
- Using immersed tube tunnels which have been successfully used in several parts of the world at reasonable costs to reduce environmental consequences while improving mobility ;
- Keeping the segment from the Montlake interchange to I-5 at its current four lanes, which the independent consultant Nelson Nygaard has already indicated is feasible . This would avoid much of the environmental damage.³

³ This is different from WSDOT's "partial bridge" alternative in that it extends the six lanes all the way across the lake to the Montlake interchange (where many vehicles will exit). WSDOT's partial bridge plan, in contrast, terminates the six lane segment before reaching the interchange, forcing a huge backup as six lanes narrow to four.

ABUSE OF PROCESS

WSDOT, the governor, and certain legislators chose an alternative long before the environmental review was done and have not been open to other alternatives which might provide better mobility with less damage to the environment.

NEPA creates a process intended to ensure that environmental information is first obtained and then used to make informed decisions. But time and again, WSDOT has demonstrated that it has made its mind up in advance and is going through the NEPA process as a bureaucratic formality, creating analyses to justify decisions already made.

Our SDEIS comments in April 2010 lay out indicators of WSDOT's bad faith in the process to that date. Since then, the same patterns of behavior have become more intense:

- 1) In February, 2010, shortly after publication of the SEIS, the State speaker of the house, the mayor of Seattle, other politicians and various groups joined us in saying that alternatives like using lanes 5 and 6 for transit only must be considered. (They are not considered in the *SDEIS*.)

In response, the governor said looking at changes in configuration would set back the project, and "our commitment to ensuring public safety does not allow that kind of delay". (Never mind that the governor's proposal would leave in place for a decade or longer the hollow, earthquake-prone pillars supporting 520 west of the floating bridge.) Likewise, a leading State representative said, "We have an agreement, let's move forward." Proponents of the State's plan held a press conference at which the House Transportation Chairwoman, Judy Clibborn, D-Mercer Island, reiterated the argument that a redesign of the car-pool lanes would delay the project up to two years. All this before comments on the *SDEIS* were even submitted and before a preferred alternative was officially chosen.

- 2) The preferred alternative was officially announced at the end of April 2010, less than two weeks after the *SDEIS* comment period and long before anyone could have read and absorbed the hundreds of submitted comments. The choice had obviously been made long before.

- 3) Long before the Final SEIS was released, the governor, WSDOT, and State legislators presented the preferred alternative as a final decision, awaiting only paperwork details to be implemented. "We have a new 520 and are ready to move forward to open the bridge in 2014," Gov. Chris Gregoire said.

- 4) In op-ed pieces, media interviews, and ads, the governor, WSDOT and State legislators, together with some business interests, pushed hard for people to stop questioning the plans., "It's time for action on the 520 bridge!" This pressure strengthened the perception that the decision had been made and that opposing it was dangerous. It trivialized the environmental process mandated by NEPA (and its State counterpart, SEPA).

- 5) The governor set a tight timetable for construction that would not permit any further discussion or consideration of alternatives that were, or should be, analyzed in the EIS.
 - a. The Section 106 process for analyzing and mitigating impacts on historic areas was driven by the deadlines. Legitimate requests for additional assessments were brushed aside in the name of meeting deadlines.
 - b. The Metropolitan Transportation Planning Organization (the Puget Sound Regional Council) was asked last month to approve and did approve going ahead with construction of the “partial bridge” *before* the FEIS was published, because the State said it needed to move fast with construction of its preferred alternative.
 - c. WSDOT seeks to have a ROD in July, just a month after the *FEIS* is released and long before you can reasonably be expected to consider all the information contained in the EIS and listen to those who can show that its analysis is biased, incomplete and inaccurate.

IN SUMMARY

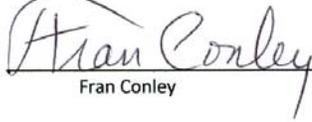
As the State does not have and cannot get funds to actually build what it describes in the *FEIS* anytime soon, we believe WSDOT’s only real purpose in getting a ROD issued so soon is to get its preferred alternative set and started before its problems become widely known—to build bureaucratic momentum for an alternative in which it has prematurely invested.

To champion this design, chosen long before its impacts were analyzed, the State has refused to acknowledge those impacts or its lack of funding. It has refused to give serious consideration to alternatives or provide good mitigation. This is a travesty of the environmental process. We ask you to step in and ensure that the process meets the intent of the law. A far better project is still possible and will result if you provide the hard look required by law.

We would like to talk with you, and will be happy to provide more backup of the statements here, or additional information.

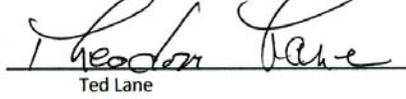
Signatures on next page ...

Coordinator for the coalition

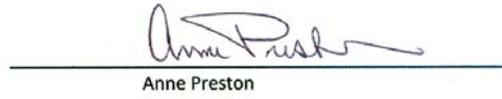

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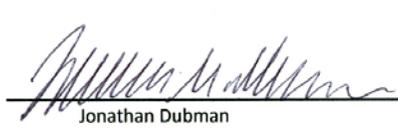
Roanoke Park/ Portage Bay Community Council


Ted Lane

Roanoke Park/ Portage Bay Community Council


Anne Preston

Montlake Community Council


Jonathan Dubman

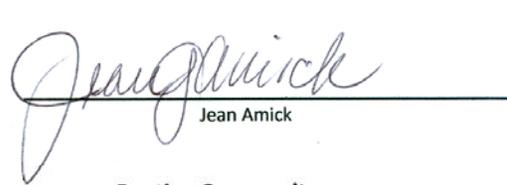
Montlake Community Council


Anita Bowers

Laurelhurst Community Club


Colleen McAleer

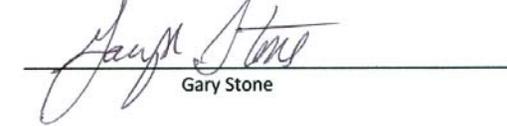
Laurelhurst Community Club


Jean Amick

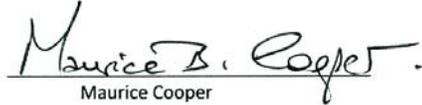
North Capitol Hill Neighborhood Association


Nancy Brainard

Boating Community


Gary Stone

Madison Park Community Council


Maurice Cooper

Madison Park Community Council

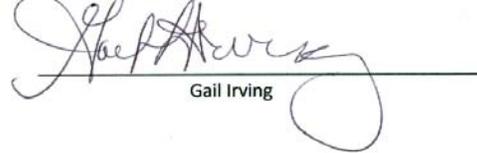
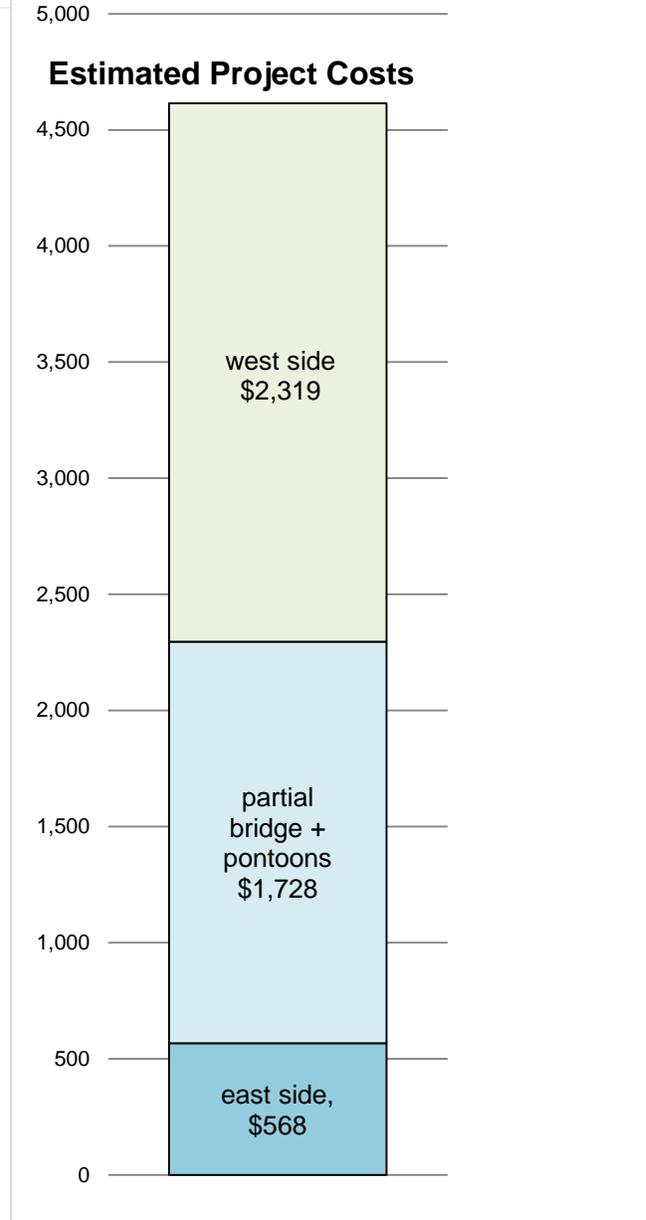
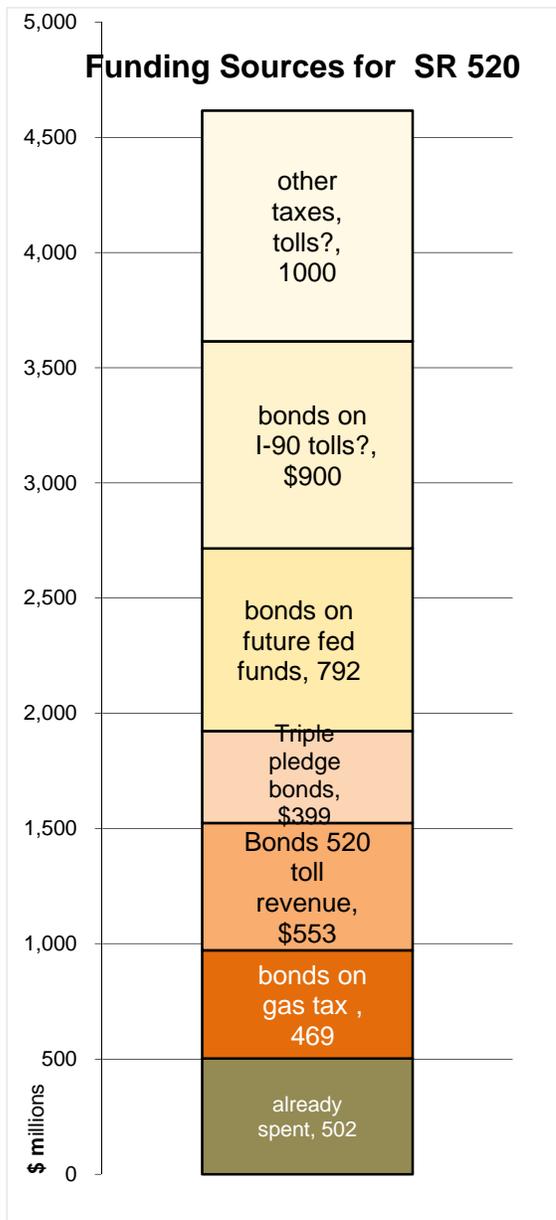

Gail Irving

Exhibit A



SOURCES OF FUNDS:	SR 520 million \$
already spent	\$ 502
bonds on gas tax	\$ 469
Bonds on 520 toll revenue	\$ 553
Triple pledge bonds	\$ 399
bonds on future fed funds	\$ 792
bonds on I-90 tolls?	\$ 900
other taxes, tolls?	\$ <u>1,000</u>
Total construction cost	\$ 4,615

PROJECT COSTS	SR 520 million \$
east side	\$ 568
partial bridge, pontoons	\$ 1,728
west side	\$ <u>2,319</u>
Total	\$ 4,615

draft 4/4/11

source: WSDOT 11/10 Program Comparison Chart

Source LEAP draft 3/11 and 520 financial plan 3/11

I-90 tolls estimate from legislative workgroup materials

"Triple pledge" bonds: toll revenue, gas tax, and full faith and credit of state



Exhibit B : Impacts on I-5

Left: new ramp from 520 lands on an existing express lane.

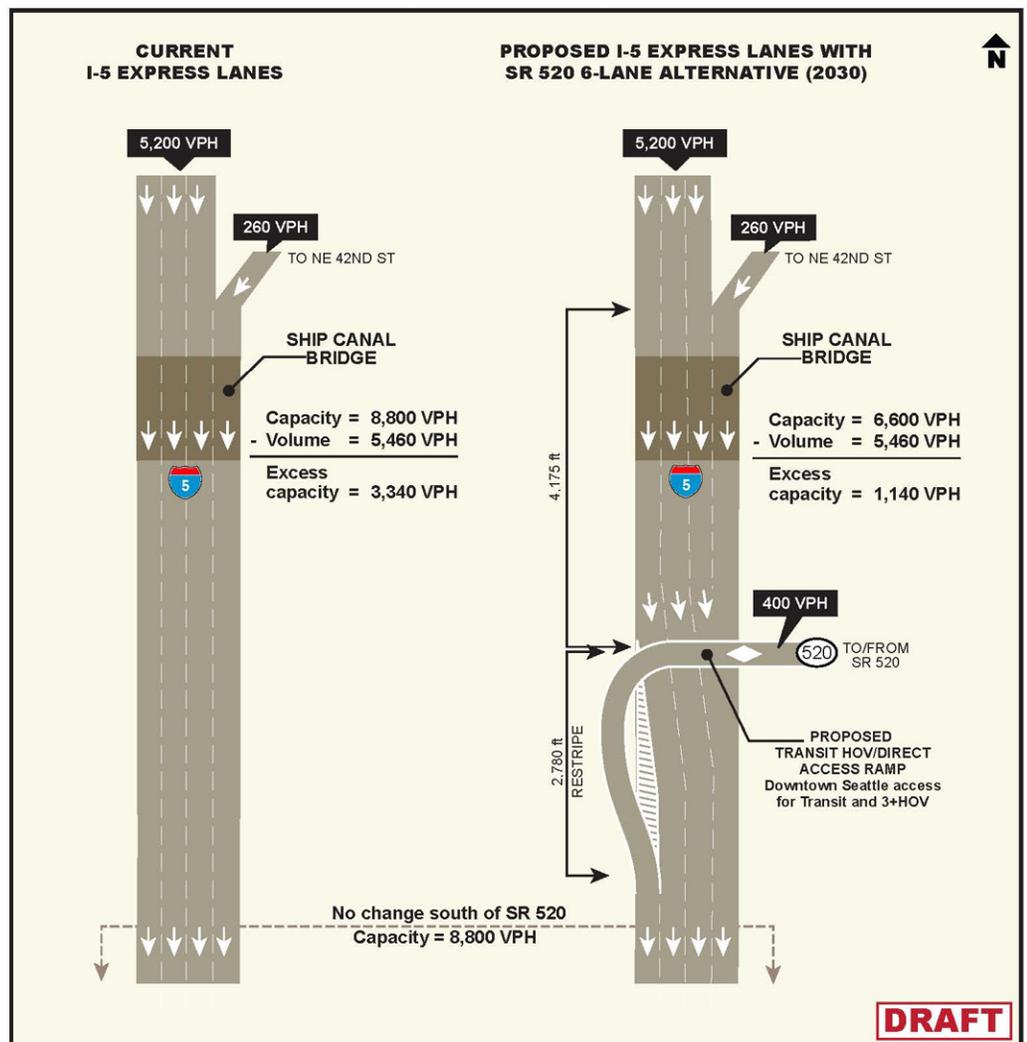
Below: near 520 interchange, today's 4 lanes for north-south travellers would become 3 lanes near the 520 intersection.



SR 520 Bridge Replacement and HOV Program



Existing and future I-5 express lane operations - AM traffic



NOTE:

- For illustration purpose only.
- VPH = Vehicle per hour
- I-5 mainline configuration not affected by this change.

- Similar operation for northbound direction
- The I-5 express lanes extend from downtown Seattle to Northgate Mall at North 103rd Street.