

2011 August 9  
6018 Sycamore NW  
Seattle 98107

Mr. Daniel M. Mathis, P.E., Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration Suite 501, Evergreen Plaza  
711 South Capitol Way  
Olympia WA 98501-1284

Re: SR 99, Alaska Way Viaduct  
Deep Bore Tunnel Alternative  
Record of Decision  
Comments for Review and Inclusion

Dear Sir,

The following pages contain comments that I believe indicate that the Deep Bore Tunnel Alternative to replace the elevated Alaskan Way Viaduct should not be approved.

If it would make it easier to review the included URL's, I can submit this as an email message. I can be reached at [pnaopensource@gmail.com](mailto:pnaopensource@gmail.com)

Sincerely,



Harvey Friedman

RECEIVED  
AUG 10 2011  
WASHINGTON DIVISION

I-002-001

Comment for Inclusion in the Record of Decision (ROD) AWV

The editorial (probably written by Joni Balter) in the 2011 July 20<sup>th</sup> edition of Seattle Times and that in the 29 July edition are fine examples of how ex-mayor Nickles, the Seattle City Council, and their backers are reducing Seattle from a "world-class" city to a "3rd-class" city.

These scare-mongers are conflating the agreed upon precariousness of the seawall in a earthquake with the safety of the elevated AWV itself.

By lying about the safety of the AWV, not only do they want to take away the terrific views from traveling on the viaduct and make traffic into and out of downtown worse, but also they want to raise taxes on the rest of us living outside of downtown Seattle to pay for their pet project, without allowing us to vote on it. It is not a representative democracy if the City Council acts for downtown first and provides only crumbs for other neighborhoods.

McGinn was correct in wanting the city to replace the seawall ASAP. Of course, he is wrong in thinking that reducing automobile traffic is the best way to reduce fossil fuel use as we can see from the use of electric cars and hybrid cars that result in less gasoline tax for the state coffers.

It appears that the judge does not understand the law or perhaps thinks that Initiatives are only permitted when the electeds can determine the outcome.

The position of Governor Gregoire in 2007, "A \$2.8 billion rebuild of the elevated structure remains the only sensible option now on the table, the governor said in discounting the "surface option" that some civic leaders are touting, now that a tunnel plan has been rejected by Gregoire, key legislators and the state Department of Transportation."

led to this

*"But there is more to Drago's Viaduct script than her maneuvering. In fact, it was she who masterminded the key milestone that allowed Viaduct Planning 2.0 to even happen in the first place. Remember that quirky two-part vote in March 2007, where voters of Seattle said No (to an elevated by 57 percent) and Hell No (to a tunnel, by 70 percent)? Splitting it into two was a Drago idea and it made all the difference. Had it been a single vote, tunnel vs. elevated, she now says, we [tunnel supporters] would have been dead on arrival.*

*"The Governor mandated that Seattle vote over the options (something City leaders didn't want to do), but failed to imagine just how clever ballot drafters could be. Drago knew that voters were opposed to the more expensive tunnel (polls showed that), but she also knew they were opposed (though not as heavily) to the elevated option. A split vote would send them both down. She presented the idea to [Deputy Mayor Tim] Ceis*

Comments for Inclusion in ROD DBT/AWV

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## I-002-001

Chapter 3 of the Final EIS describes how the alternatives for replacing the Alaskan Way Viaduct were developed. Your preference for the Elevated Structure Alternative is noted.

**I-002-001**

*and it took him about two seconds before he said perfect, remembers Drago. And perfect it was for the script she was writing. We lived to see another day, she says proudly."*

which gave the illusion of letting the people vote in a way that mattered.

It particularly fooled those politically naïve folks (as many as 30 percent) wanting a retrofit who voted "no" to both options or didn't vote at all.

Less than a third of Seattle voters and even less of elevated AWV SR99 users want the AWV to be replaced by any tunnel (let alone the unsafe, multiply-varianced (why did the FHWA allow?), super expensive deep-bored tunnel that does not meet the specifications that were presented to, and passed by, the state legislature).

So, vote no on Referendum 1.

Though not my preferred choice, the Environmental Impact Statement has a plan for a replacement elevated AWV. This is a cost-saving compromise solution which can be improved to take less time to complete. Let us vote "yes or no" on the compromise.

**I-002-002**

Comment for Inclusion in the Record of Decision (ROD) AWV

This article generated more opposition to a tunnel and support for elevated AWV.

[http://www.seattlepi.com/opinion/150363\\_firstpersondecl.html](http://www.seattlepi.com/opinion/150363_firstpersondecl.html)

**I-002-003**

Comment for Inclusion in the Record of Decision (ROD) AWV

Here is report of Governor Gregoire favoring elevated AWV section of SR99.

<http://www.komonews.com/news/local/5941281.html>

*"A \$2.8 billion rebuild of the elevated structure remains the only sensible option now on the table, the governor said in discounting the "surface option" that some civic leaders are touting, now that a tunnel plan has been rejected by Gregoire, key legislators and the state Department of Transportation."*

We will assume that governor did not accept bribes to change her position so the question is, "Why did she?"

Despite the crowing in <http://ec2-72-44-60-181.compute-1.amazonaws.com/2009/12/27/seattle-city-hall/18780/Best-of-2009:-How-Jan-Drago-dragooned-a-Viaduct-solution/>

*"But there is more to Drago's Viaduct script than her maneuvering. In fact, it*

**I-002-002**

Many statements and opinions have been expressed supporting and opposing alternatives and other aspects of this project. This is normal for a project of this magnitude and local and regional importance.

**I-002-003**

Many public officials have made statements supporting and opposing alternatives and other aspects of this project. This is normal for a project of this magnitude and local and regional importance. Chapter 2, Questions 1 through 7 of the Final EIS discuss the project history and what happened during the alternatives development process.

I-002-003

was she who masterminded the key milestone that allowed Viaduct Planning 2.0 to even happen in the first place. Remember that quirky two-part vote in March 2007, where voters of Seattle said No (to an elevated by 57 percent) and Hell No (to a tunnel, by 70 percent)? Splitting it into two was a Drago idea and it made all the difference. Had it been a single vote, tunnel vs. elevated, she now says, the [tunnel supporters] would have been dead on arrival. The Governor mandated that Seattle vote over the options (something City leaders didn't want to do), but failed to imagine just how clever ballot drafters could be. Drago knew that voters were opposed to the more expensive tunnel (polls showed that), but she also knew they were opposed (though not as heavily) to the elevated option. A split vote would send them both down. She presented the idea to Deputy Mayor Tim Cels and it took him about two seconds before he said perfect, remembers Drago. And perfect it was for the script she was writing. We lived to see another day, she says proudly."

which gave the illusion of letting the people vote in a way that mattered; particularly fooling those politically naïve folks (as many as 30 percent) wanting a retrofit who voted "no" to both options or didn't vote at all,

here is how SDOT and clever consultants came up with scary cartoon video to change governor's mind after wasteful vote of March 2007. This is courtesy of Elizabeth Campbell's using the Public Disclosure Act to eventually get the pdf file in 2009.

go to <http://www.scatnow.com/Documents>  
and grab  
04262007-Clark-Rigsby-attach1SpecforVideo.pdf

I-002-004

Comment for Inclusion in the Record of Decision (ROD) AWW

Here is an exchange on the S Holgate to S King SDEIS in which the replier ignores the pertinent query because there was nothing in the script that covered it.

WSDOT and its consultants appear to mis-interpret the federal rules for Draft Environmental Impact Statement responses. In the FONSI, entry I-010-001 comments

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Having read the environmental impact statement on the southern part of the AWW, I must comment about an inaccuracy that I noticed. While it is true that the visual impact or views while driving south on it won't be substantially different, going north is a whole other story. Under the EIS, side-by-side traffic means that southbound traveling trucks and buses would obstruct the views of those traveling northbound.

Currently traveling north gives magnificent views (serendipitously provided by the original AWW designers) that are so spectacular that they merit "United Nations Heritage Drive" designation.

Starting at Holgate, we see the Coast Guard pier and the Pier 46 cargo containers and cranes to the west and soon the baseball field and football stadium to the east. As we get higher, we see the Olympic Mountains and Puget Sound with its tankers, ferries and pleasure craft to the west and to the east the varied architecture of the city. But the view doesn't stop here at S. King St. even though the project does; to the west is even more of the Sound, mountains, and water traffic, and to the east more city, up close and personal. When passing the Ferry Terminal, we get a glimpse to the north of how ugly the city could become

Comments for Inclusion in ROD DBT/AWW

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I-002-004

The S. Holgate Street to S. King Street Viaduct Replacement Project is an independent project which is now under construction, following NEPA review which concluded in February 2009. In the Alaskan Way Viaduct Replacement Project Final EIS, permanent impacts to views are discussed in Chapter 5, Question 17.

**I-002-004**

When development is allowed right to the water. True, after Pine Street, the views aren't so special, but the EIS was about the South End of the AWV, not the entire thing.

Clearly, the view is many times better when traveling on the viaduct, compared to surface, tunnel, or side-by-side, particularly heading north. Though not as extensive as the views discussed in the April 6, 2008 edition of the "Seattle Times Pacific Northwest Sunday Magazine" for rich condo buyers and businesses, the views that riding on the viaduct provides are DYNAMIC, offering a splendid slice of Seattle. Furthermore, this is public, not just for car/SUV users but open to anyone who can afford bus fare. Unlike land acquisition problems with monorail, this right-of-way is already in use; improving the elevated viaduct wouldn't require buying up lots of land. Visitors immediately recognize our quality-of-life from traveling north on the viaduct. Even if transportation no longer depended on fossil fuels, (for examples, either a return to animal use, or some type of ground-effects hovercraft), the northbound view would still be spectacular and should not be given up to benefit greedy downtown interests.

Now that I've presented a case to maintain the views, let me discuss ways to do so.

- 1) depending on a positive outcome of the Miyamoto report, retrofit the existing viaduct all the way from the BatterySt. tunnel to S. Holgate St.
- 2) modifying Scenario D slightly, have the elevated structures at different heights with the northbound lanes higher than the southbound lanes and extend this the entire length of the existing viaduct. It would appear that this would satisfy all the federal highway safety standards and satisfy the majority of viaduct users including Seattle-dwellers, all 500000+ not just those living downtown.

I still think that demanding that the "South End" solution be applicable to any of tunnel, surface, or elevated side-by-side for the central waterfront and then claiming that the only solution that meets that criterion is what is described in the EIS, is removing the elevated double-deck viaduct by "stealth engineering".

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that I made on the EA for the H2K section of the SR99 AWV, the response

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In Chapter 3 of the EA (p. 59), under the question "How would the project affect views?", the text states that "views from the new SR 99 roadway would not be substantially different from the existing viaduct. Motorists traveling northbound would still experience panoramic views of the downtown skyline." It goes on to state that for southbound SR 99 travelers, "the views of the stadiums and SODO area would improve somewhat with the new roadway configuration, because these views would no longer be blocked by the upper roadway".

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to my comments implies that the only views worth seeing are those of the built environment. Any big city has a downtown skyline. The setting of Seattle on Puget Sound with the Olympic Mountains is what makes it so desirable. Did WSDOT use an AIA architect with no appreciation for the Sound and mountains to write the response to my comments?

**I-002-005**

Another attempt to explain is to consider the prohibition on building on migrating waterfowl resting wetlands. These areas are not necessarily in constant use year-round but are definitely to be maintained. Now the WSDOT reply to my complaint that the Draft Environmental Impact Statement didn't address my concern that

**I-002-005**

Throughout the project, there has been ample and appropriate public discourse and disclosure. Chapter 2, Questions 11 through 15 and Appendix A, Public Involvement, of the Final EIS describe tribal and agency coordination and public involvement that the project team conducted throughout the NEPA process. The Finding of No Significant Impact (FONSI) referred to in this comment is for the S. Holgate to S. King Street Viaduct Removal Project, which is independent of the project addressed in this Record of Decision.

I-002-005

valuable views would be stolen from northbound users of the H2K section of the AWW. It is as if the WSDOT responders only considered the worms in the wetland and not the waterfowl that appear periodically. People are not waterfowl and can adapt when necessary but it seems to me that the users of the AWW, not just the landowners near it, should have a vote on whether to rebuild a safer, quieter AWW. Let me give another example of why I think that there is a significant environmental impact. Suppose someone decided that the Space Needle must come down for an extension of the EMP and they argued that there was no significant environmental impact because people could still get around that area. I would claim that the views of those who wanted to get up to the restaurant or the observation deck would be stolen because they couldn't do that anymore. Would the WSDOT responders still claim no significant environmental impact? Concerning H2K, those adapters affected are the everyday commuters into downtown Seattle, the everyday commuters through downtown Seattle (who might not have a problem (unless claustrophobic) if they are traveling southbound), the everyday commuters out of downtown Seattle, the tradespeople (plumbers, electricians, roofers, HVAC folk, communications setup and repair workers, etc.) who use the AWW several times a day to go in, out, through Seattle, those living in the Puget Sound region who bring visiting guests from Sea-Tac airport north on the AWW so that those visitors can appreciate the diversity of Seattle. All should have a vote on whether to have to permanently adapt or not.

The vote should be based on complete information, not just upon what the powers-that-be think will convince the voting public to vote for or against what the p-t-b want as, for example the March 2007 vote limited to Seattle residents only in which only 2 of the 6 outcomes had meaning. None of the WSDOT engineers had the courage to correct the information released to the media about the rebuild. There were 2 ways to do the rebuild, quickly with a total shutdown for 3 years, or, with ongoing construction, demolition, and limited usage that could take 10 years. What the media reported was that the rebuild would involve total closure for 10 years - a gross canard.

Democracy only works when the electorate is informed. Slanting information to deceive the voters is unethical. But, it is obvious why it was done. If folks knew that they could have a safer, quieter, elevated AWW for even the same amount of money that a deep-bored tunnel would cost, the vote would probably be 3-1 in favor of rebuild. Downtown developers using Jan Drago, Tayloe Washburn, and Tim Ceis as front voices, wanted to get rid of the elevated SR99 AWW so that they could make more profits. Their attitude was that if the smooth talking front people couldn't convince the public, then too bad for the public. This scheme was not new but had been going on for years. Even before the Nisqually earthquake of 2001, the parameters for the waterfront design charrette were that AWW wouldn't be there. Despite that, two entrants did include AWW; they definitely didn't receive honorable mention. As early as 2004, I suggested using quieter pavement as what one hears when going from King to Snohomish county on I-5, and even acoustic tiles on the bottom of the upper deck. Because this might reduce noise so that only those with very sensitive hearing would complain, it wasn't even tried especially because the intent was to knock down the AWW anyway.

To come back to the FONSI, I think that replacing elevated SR99 AWW with a surface side-by-side highway has a significant environmental impact and that it would take an informed (all options, costs, timelines, honestly presented) vote of the entire region to allow you to claim no significant environmental impact. Even if this vote shows that the majority don't care, it would still be a

I-002-005

significant impact to me, but I would cease writing to you about it.

I-002-006

Comment for Inclusion in the Record of Decision (ROD) AWV

Some more reasons for not buying a deep-bored tunnel to replace AWV

A "done deal", spending public money for a less functional deep-bored tunnel to replace the elevated Alaskan Way Viaduct section of State Route 99, based on alleged fraud and deception should be re-examined and, if necessary, "undone".

There are several parts to the fraud and deception allegation.

1. That the majority supports the deep-bored tunnel is false. The majority in Puget Sound prefer an elevated SR99.

[http://seattlepi.nwsource.com/saturdayspin/181511\\_bqweb10.html](http://seattlepi.nwsource.com/saturdayspin/181511_bqweb10.html)

The viaduct project website has exact breakdown of AWV usage. They measured with cameras at all entrances and exits and compared license plates. They also found that more than half of vehicles using AWV were licensed outside of Seattle city-limits.

<http://www.wsdot.wa.gov/Projects/Viaduct/library-meetingmaterials.htm>

Presentation was at August 28, 2008 meeting. Look at "Origin and Destination Information" presentation and at "Meeting Notes" for that meeting. "Public Comments" was also interesting.

The majority of AWV users, the true "stakeholders", want, preferably, a retrofit, and if not, then a rebuild that retains the Seneca and Columbia ramps.

<http://www.westseattleherald.com/articles/2007/08/21/interact/opinion/opinion.txt>

2. The Seattle Stakeholder Advisory Committee did not represent the stakeholders of SR99 but mainly greedy Seattle interests.

Following the disastrous (for tunnel advocates and mayor) vote, the "consulting group", Moore Iacafano Goltsman, Inc. (MIG) produced the "AWV stakeholder interview report" presented at the 13 December 2007 meeting in Seattle Town Hall. This report was glibly presented but EXTREMELY BIASED.

Point 1) They accepted the mayor's spin on the results of the March 2007 vote without comment.

Point 2) Their survey/poll of 69 "stakeholders" allowed all five original plans that WSDOT studied (chart on page 20 of the report), not the restricted vote that the mayor forced on Seattle voters.

Point 3) They did not get a fair representation of voters. Most of the 69 stakeholders polled were already on record that any elevated solution would be a "deal breaker" by 5 to 1.

Comments for Inclusion in ROD DBT/AWV

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I-002-006

Throughout the course of this project, extensive analysis has been completed on multiple alternatives. The alternatives development process is described in Chapter 2, Questions 1 through 7, of the Final EIS and in the Project History Report provided as Appendix S of the 2010 Supplemental Draft EIS (available on the project website and also included on CD with the Final EIS).

I-002-006

Why was not also considered the P.I.'s Saturday Spin question where results are at

"[http://seattlepi.nwsource.com/saturdayspin/181511\\_bqweb10.html](http://seattlepi.nwsource.com/saturdayspin/181511_bqweb10.html)"?

This was open to anyone who read about it in the P.I. over several days, not restricted to a select few. Over 120 were passionate enough to vote; by a 30 to 1 margin, we saw either "fix it" (meaning retrofit) or "don't tear down the viaduct without rebuilding a better one". This is an exact opposite deal breaker than for the downtown interests but for twice as many people.

Point 4) If this was truly an unbiased study, they would have mentioned what most wanted before the mayor's vote -- a state-wide vote ranking all five choices. After all, we are discussing SR99, a solution to regional transportation in and through Seattle.

Despite this clear bias, the "Stakeholder Advisory Committee" was then picked as a proportionally-voting subset of those interviewed for the MIG report.

3. That the EXISTING AWV would be unsafe in a big earthquake does not mean that no elevated AWV could be built that would be safe. (see 5.)

4. That the AWV must be totally demolished before it can be rebuilt is false. WSDOT engineers have studied at least two different ways of having ongoing construction and demolition while the AWV is still being used.

<http://www.wsdot.wa.gov/NR/rdonlyres/8A69CCB4-348F-487C-8E42-8032FE97452A/0/SDEISAppendixBAlternativesandConstructionMethods.pdf>

<http://www.wsdot.gov/Projects/Viaduct/library-environmental.htm>

5. The WSDOT directed TV and youtube video showing the existing AWV collapsing appears not to be tied to a computer simulation with adjustable parameters but rather was just a SCARY cartoon propaganda movie illustrating how unsafe the combined AWV/seawall is.

It appears to be based on a vulnerability analysis (The 2007 Seismic Vulnerability Analysis Report is available on the WSDOT website at [www.wsdot.gov/Projects/Viaduct/Library.htm](http://www.wsdot.gov/Projects/Viaduct/Library.htm) and appears to imply that the AWV would not necessarily fail without the decrepit seawall failing first.) that apparently didn't use data from the 6.8 magnitude 2001 Nisqually earthquake directly.

What wasn't reported was that the design for a rebuilt SR99 elevated AWV would survive the magnitude 7.0 earthquake presumed in that video and even more intense tremors.

It appears fair to conclude that this video was political especially in light of

[04262007-Clark-Rigsbyattach1SpecforVideo.pdf](http://www.wsdot.gov/Projects/Viaduct/Library/04262007-Clark-Rigsbyattach1SpecforVideo.pdf)

a copy of which is on <http://www.scatnow.com/Documents/>

Rather the simulation video served to scare the governor, her advisors, and other key policy makers into feeling that any AWV elevated solution for SR99 would be too dangerous to consider.

**I-002-006**

This "done deal" must be undone.

**I-002-007**

Comment for Inclusion in the Record of Decision (ROD) AWV

Here is response to an early September 2010 Neal Pierce attack on AWV. Note most recent comment.

[http://community.seattletimes.nwsources.com/reader\\_feedback/public/display.php?source\\_name=mbase&source\\_id=2012804409](http://community.seattletimes.nwsources.com/reader_feedback/public/display.php?source_name=mbase&source_id=2012804409)

**I-002-008**

Comment for Inclusion in the Record of Decision (ROD) AWV

explanation from transportation engineer

----- Forwarded message -----

Date: Wed, 23 Feb 2011 16:39:26 -0800

From: Christopher Brown <cvbrown.pe@gmail.com>

Subject: Re: THE # OF CARS using the tunnel?

To answer your points, consider the following.

First, highway capacity is a bit of an odd thing to understand since it is a function of both speed and Level of Service (LOS). Typically, a good design will yield an LOS at 'D', about 50 mph, and anything worse than that is to be avoided.

At LOS D, a freeway (e.g. the tunnel since it is supposed to be free flowing) will have a capacity of about 1,750 passenger cars per hour per lane. Its speed will be at about 50 mph under uninterrupted flow regimes. This is subject to things like grades, the truck (heavy vehicles) volumes in the traffic stream, and the hope there are no perturbations in the stream to cause it to become unstable.

Note the volume is in "hours" - e.g. the design hour or the p.m. peak hour if you wish.

Of course, as a good rule of thumb the p.m. peak hour is about 10% of the total daily demand!

Next, the SDEIS at Exhibit 2-9 tells us that the viaduct, in 2015, has a volume (ADT) of 117,000 near Columbia Street. The DBT, at that location, will have an ADT (average daily traffic) of 86,000.

That means its p.m. peak hour will be in the order of, say, 8,600 if we use the 10% rule. But the ratio of NB to SB traffic flow is something like 60/40, a typical ratio in most urban areas. Thus, the peak direction will be  $8,600 \times .60 = 5,160$  vehicles per hour (vph). Divide this by 2 (the number of lanes in the tunnel) and you get a single lane flow of 2,580 vph. Gulp! What's up here?

That 2,580 vph is way over capacity. It should raise a red flag. In fact, under

Comments for Inclusion in ROD DBT/AWV

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**I-002-007**

Many statements and opinions have been expressed supporting and opposing alternatives and other aspects of this project. This is normal for a project of this magnitude and local and regional importance.

**I-002-008**

Chapter 5, Questions 2 through 15 of the Final EIS present the permanent transportation effects of the project. Additional details about the transportation analysis can be found in Appendix C, the Transportation Discipline Report.

I-002-008

Very ideal conditions the maximum flow rate of any freeway lane is 2,000 vph. The above number exceeds that ideal rate, as you can see.

Consequently, that translates into congestion (technically called forced flow), an LOS of F, and that leads to a lot of rear end accidents and all the stuff you see on I-5 in the peak hour on the SB ship canal bridge - namely, crawling traffic.

Next, looking at what the viaduct has in store per the SDEIS - 117,000 ADT - versus the DBT at 86,600 ADT, the difference is 30,400 ADT.

That 30,400 is going to be dumped onto city streets that will have no more capacity added to the network than exists today. How do you sing Trouble in River City? Will anyone say, "Houston, we have a problem?" O'Brien is the only one who has seen this coming and had the courage to say anything about it.

EXGO - a \$4.2 billion project to make waterfront and through traffic worse.

And the yahoos at WSDOT along with Nickels and the remaining idiots on the council think this is a good project? Puleeeeeeze.

To parse Churchill, never in Seattle's history have so many been charged so much for the sole benefit of so few.

And, I haven't even talked about operations costs, accident costs or even bond costs.

Recall, yesterday the Washington State Health Authority on behalf of the Swedish Medical Center put out 6.25%, 30-year, AAA bonds maturing in 2041. (Probably a good buy if you have some spare cash.)

For the Port of Seattle with its \$300 million "donation" that comes to a tad under 2 billion for its 30-year likely bond issue.

Last, I can appreciate your wanting to revamp the waterfront. But, I must ask, why? Revamp into what? You cannot see the Olympics through all those waterfront buildings until you get to an opening and those are few and far between. The revamping they are talking about is for and on behalf of only a very few local property owners such as Ivar's, Miner's Wharf, Argosy Cruises, Clipper Navigation, et al. Why don't they opt for an LID if it so important to them? After all, they are the sole beneficiaries of this so called water front promenade. It is not you nor me.

Remember, the rest of us peasants footing the bill can always see the Olympics at Myrtle Edwards Park, Carkeek Park, Shilshole, Alki, Lincoln Park, Steinbruck Park, etc. And, except for the latter, they don't have parking at \$4.00 per hour! Riddle me this. Why should the average citizen pay for a view on the waterfront at \$4.00/hour when it is free everywhere else and fairly close by? I hope this makes some sense to you and why I consider this project to be ill conceived and ill advised. It has nothing to offer but woe, death, debt and lots of that as you can see.

Chris

9688 Rainier Avenue S.  
Seattle, WA 98118-5981

December 3, 2010

I-002-009

Rob McKenna, Esq.  
Office of the Attorney General  
State of Washington  
P. O. Box 40100  
Olympia, WA 98504-0100

Re: SR 99 PSH 1 Alaskan Way – Seattle  
Deep Bore Tunnel Alternative  
Inadequate Shoulder Widths for Accommodating HC Persons  
Failure to Meet Published ADA Standards

Dear Mr. McKenna:

As my elected official in matters of the law I am enclosing for your review, comments and files a copy of my recent e-mail to Seattle City Councilwomen Ms. Sally Bagshaw's aide, Mr. Philip Roewe, in which I have set out answers to several items sent to her by e-mail (attached) from WSDOT. The WSDOT author is unknown, as you will note.

For your advice, Ms. Bagshaw is the chairwoman of the council's Alaska Way Viaduct Committee. I have previously described to her why the so-called Deep-Bore Tunnel is such an appallingly unsafe option. The attached document provides further comments.

You are familiar with many of my concerns from earlier correspondence. Not the least of these is the decision by WSDOT (PB) to seek and obtain permission from FHWA to use less than standard shoulder widths. My letter to WSDOT for their *Corridor Hearing*, dated April 22<sup>nd</sup>, 2010, is a case in point. (Incidentally, as of this date, they have still not provided any answers to that letter nor have they published, for the official public record, the required *Adoption of Corridor Hearing Summary* per the *Design Manual*.) In any event, current designs show tunnel shoulders of merely 2 feet and 6 feet on each side of the travel lanes. Both are clearly inadequate. This concern is plainly born out by considering two recent WSDOT projects: the new Tacoma Narrows Bridge with its 10-foot shoulders and the \$500 million retrofit of the Hood Canal Bridge where its previous shoulders were determined to be hazardous because they failed to meet the standards.

When I say that a 2-foot shoulder is inadequate you must recognize that a common, typical Metro Dial-Ride mini-bus (DART) has a handicapped (HC) access wheelchair (WC) ramp on its right side. It needs 6 feet of clear space to deploy the ramp. (See attached photograph.) Further, at its end, an additional 3 feet is required to allow the WC user to get-off the ramp and turn left or right. (See attached *Minimum Guidelines & Requirements for Accessible Design*, Subpart D – Technical, page 3, Figure 4.14)

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Travel lanes inside the bored tunnel would be approximately 11 feet wide, with a 2-foot-wide shoulder on one side and an 8-foot-wide shoulder on the other side. Information on the design of the Bored Tunnel can be found in Chapter 3 of the Final EIS and Appendix B, Alternatives Description and Construction Methods Discipline Report.

The design will meet NFPA 502 standards for road tunnels, and as such is a reasonable policy that is consistently applied to meet the nondiscrimination requirements of the Americans with Disabilities Act (ADA). Also, Dan Mathis, the FHWA Division Administrator for Washington State, addressed Mr. Brown's concern in a letter to Mr. Brown dated February 23, 2011. In this letter, Mr. Mathis explained that a review of standards and guidelines on accessibility and the design approach taken for this project found relevant requirements have been met.

I-002-009

Rob McKenna, Esq.  
December 3, 2010  
Page 2

I believe you may find similar dimensional requirements in 36 CFR Ch. XI (7-1-96 edition) for example.

As you can see, in summary, the WC ramp plus the end clearance must be at least (6 feet + 3 feet) 9 feet to accommodate such a wheelchair user. This obviously does not work with a 6-foot shoulder and, noticeably, is an utter impossibility with a 2-foot shoulder.

I have an acquaintance who uses an electric WC for his daily mobility needs. His Dodge van has a four-foot ramp from its right side. With 2-feet of clearance at the ramp end he needs not less than 6-feet of space. Considering the NB tunnel roadway and its 2-foot shoulder on the right side he is obviously unable to exit his vehicle in the event of an emergency. The question we argued was what do you do in the event of, say, an earthquake that ruptures a section of the tunnel near the south portal that is located some 150 feet below sea level? The idea of waiting for help in a rapidly flooding tunnel did not alleviate his worries. Indeed, there is an AASHTO requirement that tow-trucks be located at each end of the tunnel if adequate shoulders are not available. But, with the vertical separation of SB over NB lanes, you can see that no less than 2 tow-trucks would be mandated at each end. Unfortunately, this is not discussed anywhere in the SDEIS. Likely, it was not even thought of by WSDOT staff. Incidentally, this did not answer his reservations, either. For short, you can see why this deep-bore tunnel does not carry his favor given the various *above ground* options. Now you can understand why he and all similar HC persons are placed at an unacceptable risk with the deep-bore tunnel option.

We recognize that the ADA may have opportunities for WSDOT to argue such elements as "reasonable accommodation" or even "undue hardship" but, given the fact that there are above ground (or above the sea-surface) options, it is inconceivable that serious consideration can be given for the deep-bore tunnel. Can you explain why my colleague must be given second-class citizenship in this respect? Is his life really meaningless?

I would appreciate a reply on this matter. Unfortunately, with the WSDOT's history of totally ignoring the issues raised in my *Corridor Hearing* letter April 22<sup>nd</sup>, I will not be surprised if this, too, falls on deaf ears.

Thank you for your attention in this matter.

Yours truly,

D. V. Brown, P.E.

Encl.

I-002-010 Comment for Inclusion in the Record of Decision (ROD) AWV

Some more recent pertinent opinions and comments

Comments for Inclusion in ROD DBT/AWV

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## I-002-010

Many statements and opinions have been expressed supporting and opposing alternatives and other aspects of this project. This is normal for a project of this magnitude and local and regional importance.

I-002-010

<http://www.westseattleherald.com/2011/08/02/opinion/op-ed-reject-referendum-1-reject-tolled-tunnel>

<http://queenanneneews.com/main.asp?SectionID=9&SubsectionID=308&ArticleID=31801>