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From: jonstall [<mailto:jonstall@wafirst.com>]
Sent: Thursday, June 23, 2011 2:16 PM
To: SR 520 Bridge Replacement & HOV Project
Subject: Comments on SR 520 Final EIS

June 23, 2011

Congratulations on completing the Final EIS for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. This is an important accomplishment and overall a well-done analysis. As a NEPA practitioner working in Washington and across the country I appreciate the effort expended and impressive scope of your analysis. Overall the Final EIS manages to wrap up what has been a somewhat convoluted NEPA process. However, I would like to point out two deficiencies that should be addressed in the Record of Decision.

1. The No Action alternative is incorrectly conceived and evaluated. The Final EIS clearly explains the perilous condition of the current bridge. Some excerpts from the Final EIS on this subject include:

1.3 "The probability that the bridge will sustain serious structural damage (i.e., sink or become impassable to traffic) over the next 15 years is extremely high"

"WSDOT estimates that over the next 50 years, there is a 20 percent chance of serious damage to these structures in an earthquake."

Exhibit 1-2

1.5 "What would happen if the project were not built? If the project were not built, the section of SR 520 between I-5 and Evergreen Point Road would not be improved, and these critical needs would not be met:

"The risk of bridge failure in a storm or earthquake would increase as the structures continued to age, with consequences ranging from severe traffic congestion to loss of life. As the floating bridge becomes more fragile, it would require more frequent closures to protect its components from damage."

Together these statements demonstrate the bridge is in bad shape and a risky proposition. The CEQ regulations on the no action alternative are quite brief (see 1502.14). The clearest direction from CEQ on the no action alternative is given by the third of the "40 most asked questions". With regards to projects this says "the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward." This guidance continues to state "This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives." That's pretty straightforward. However, here's how the Final EIS described the No Action (called No Build) alternative:

2.7 What is the No Build Alternative?

The No Build Alternative assumes that, other than normal maintenance and repair activities, the SR 520 corridor between I-5 and Evergreen Point Road would remain exactly the same as it is today."

"As described in Chapter 1, the remaining design life of the Evergreen Point Bridge is currently estimated at just 10 to 15 years, and a severe storm could cause it to fail even sooner. The Portage Bay

and west approach bridges are also vulnerable to collapse in a severe earthquake. For these reasons, the No Build Alternative is inconsistent with WSDOT's standards for safety and reliability. Given the vulnerabilities of the existing bridges, the No Build Alternative is not a likely scenario; however, it provides a set of baseline conditions to which the expected effects of the project can be compared.

This interpretation is clearly contrary to the CEQ guidance "it is establishing the WRONG baseline for comparison. So what would happen if the SR 520 Bridge fails? I think would have pretty severe impacts, but I don't know because this wasn't evaluated. This deprives the decision makers and public of clear understanding of the consequences of not acting. That's important.

Finally, it is interesting to note that another large project in the Seattle area with the same lead agencies has defined the no action alternative differently. The Alaskan Way Viaduct Replacement Project 2010 Supplemental Draft EIS defines the no action alternative in accordance with the CEQ guidance. The result is a pretty clear picture of how important the project is.

Conclusion: The Record of Decision should evaluate the effects of the TRUE no action alternative where the SR 520 Bridge is lost without advance planning.

2 " The effects of reasonable foreseeable tolling are not properly evaluated.

I take issue with a very brief but very important statement on page 1-23 of the Final EIS:

"Region-wide tolling of major corridors, as recommended in the Puget Sound Regional Council's Transportation 2040 plan (PSRC 2010a), might also be implemented by that time. Since it is not possible to say whether or how these tolls would be implemented, WSDOT did not include them in its baseline assumptions."

Other actions WSDOT is taking on I-405, SR 99, and SR 167 and is considering for I-5 Express lanes show implementation of the Transportation 2040 Plan is not speculative but reasonably foreseeable. Since timing of tolling is unknown, this is not an entirely fatal flaw in the Final EIS analysis. However, since tolling of nearby facilities could have substantial effects on SR 520 operations it should be at least considered and described. This points to a larger issue " the overall effects of implementing the Transportation 2040 plan are not being adequately considered by FHWA and WSDOT. This is a transportation SYSTEM, and tolling is arguably a set of connected actions (see 1508.18(b)(3)) that should be considered together. The system-wide effects, especially to low-income populations covered by E.O. 12898 on environmental justice, could be significant.

Conclusion: The Record of Decision should evaluate the effects on SR 520 operation of tolled operations described in the Transportation 2040 Plan. Further, FHWA and WSDOT should consider a non-project evaluation of tolling in the Puget Sound region.

In closing let me once again congratulate you on an impressive accomplishment. My focus on these deficiencies should not diminish the magnitude and quality of your work in other regards.

Sincerely,

Jon Stall