

Via Email

August 15, 2011

Angela Angove
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Dear Ms. Angove,

This letter provides comments on the final environmental impact statement ("FEIS") for the Alaskan Way Viaduct Replacement Project ("Viaduct.")

The People's Waterfront Coalition is a Seattle based organization concerned with both civic redevelopment of Seattle's downtown shoreline and a sustainable solution to viaduct replacement. We have participated in the viaduct replacement question since our organization formed in 2005.

Although the FEIS partially corrects one defect in earlier drafts, regarding the effects of tolling on Seattle streets, the FEIS fails to study alternatives properly and fails to adequately inform decision makers and the public.

O-006-001

1. The statement of purpose and need remains too narrow, and WSDOT has failed to fairly analyze lower cost viable alternatives.

The Statement of Purpose and Need is a critical part of any EIS as it circumscribes the range of alternatives to be considered. In this case, the project's statement was rewritten in 2009 from the goal-oriented "The project will maintain or improve mobility, accessibility, and traffic safety for people and goods along the existing Alaskan Way Viaduct Corridor" to the much narrower limitation of "vehicle capacity." Using the term capacity instead of mobility eliminates from consideration potentially viable and cost effective solutions that rely on transit, demand management, or adapting available capacity on other facilities. It excludes consideration of efficiency improvements and traffic management strategies that cost far less and present far less risk than megaproject construction.

Many Seattle based organizations commented on the 2010 Supplemental Draft EIS (SDEIS) and expressed strong concern about the change in the project's statement of purpose and need. This point, however, deserves additional emphasis as the FHWA prepares to choose between the alternatives developed in the FEIS. WSDOT set up the

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FHWA disagrees with your comment that the project's purpose and need statement is too narrow and has eliminated potentially viable and cost effective solutions that rely on transit, demand management, or adapting available capacity on other facilities. Changes made to the project's purpose and need statement and the reasons for these changes are discussed in Chapter 2, Question 6 of the Final EIS. Changes made to the project's purpose and need statement did not serve to narrow the scope of concepts that could be considered. Instead, the changes that were made allowed for a broader scope of solutions to be considered. The purpose and need statement presented in the 2006 Supplemental Draft EIS stated "the project will maintain or improve mobility, accessibility, and traffic safety for people and goods along the existing Alaskan Way Viaduct Corridor..." This purpose indicated that mobility must be maintained or improved. The project's current purpose and need statement is less restrictive by stating that it will provide a facility that "provides capacity for automobiles, freight, and transit to efficiently move people and goods to and through downtown Seattle." An important difference between the two purposes is that the earlier purpose statement required mobility to be maintained or improved, the updated purpose statement is focused on providing capacity to efficiently move people and goods to and through downtown Seattle, but it doesn't specify that existing capacity must be maintained.

Various surface and transit concepts have been considered throughout the life of this project, beginning with the Surface Alternative that was fully evaluated in the 2004 Draft EIS. The Surface Alternative was eliminated from evaluation in the 2006 Supplemental Draft EIS because it didn't meet the project's purpose and need statement. In the 2010 Supplemental Draft EIS, a new Surface and Transit Hybrid concept was considered and dropped as discussed in the Final EIS in Chapter 2, Question 6. Additional traffic analysis was completed after the 2010 Supplemental Draft EIS was published in response to comments

O-006-001

FHWA to commit a NEPA violation. The change in the statement of purpose and need has not been explained properly, as required by FWHA. An agency may not make such a change from a prior policy "sub silento." Rather the agency must show there are good reasons for the new policy. In this case, the change does not seem to be justified at all.

As a result, FEIS readers have been denied a full analysis of an I/5/Surface/Transit option. This is unfortunate because WSDOT, Seattle DOT, and King County DOT officials have, as recently as December 2008, declared this the leading lowest cost and greenest alternative. In this day of scarce resources, the lowest cost solution should be the front-runner. Given the triple threat of high and volatile fossil fuel costs, climate change, and an on-going recession, a solution that provides alternatives to driving should be at the top of the ranking. Without any reasonable explanation for the change in statement of purpose and need, it appears to have been reworded for primarily political reasons.

The key consequence is that there is no affordable alternative if the bored tunnel alternative proves unaffordable or is abandoned due to escalating cost or technical problems. The lead agencies should take all reasonable steps to change back the statement of purpose and need, and revisit analyses of lower cost, lower-risk, transit-rich alternatives.

O-006-002

2. The project's financial plan is not secure, there is no funding for the mitigation called for in the FEIS, and the contingency funds are mostly spent. Can taxpayers really afford it? Will WSDOT deliver what they promised?

The State Legislature has capped State funding for the Project at of \$2.4 billion. The rest of the funding package - \$700M - is no firmer now than it was when the SDEIS was released months ago. The Port of Seattle's \$300 million has still not been legally committed. The \$400M expected from future tolls is problematic due to the high diversion high tolls would cause, and the political volatility around tolling a single facility; the tolling strategy may be scaled back significantly or abandoned altogether. WSDOT has still not even asked the Legislature to authorize tolling the facility, and may not get a positive answer.

While WSDOT was forced to publicly release a part of its financing plan just last week, more questions were raised than answered regarding the project's viability.

With the above funds uncertain, is there enough money to build the full program as promised to Seattle citizens and decision-makers? The financing plan says maybe not; WSDOT may need to raise additional funds if three shaky sources are not secured, but the back up plans are vague to nonexistent.

What are the full financing and debt service costs of the project? Given the on-going depletion of gas tax revenues, and given shortfalls in all three of our states concurrent megaprojects, how will the state cover additional debt this will require? The financing plan does not show financing costs nor answer these questions.

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received on the 2010 Supplemental Draft EIS. A discussion of this analysis and the rationale for not evaluating a surface and transit hybrid in the Final EIS is provided in the Final EIS in Chapter 2, Question 7.

O-006-002

The Washington State Legislature passed into law RCW 47.01.402, which commits the state to providing funding up to \$2.8 billion to replace the SR 99 Alaskan Way Viaduct, with tolling to provide up to \$400 million of that commitment.

The state funds programmed by the State Legislature include gas tax revenue from the Motor Vehicle Fund through the Nickel and Transportation Partnership Act (TPA) taxing authorities, and federal funding. The funds are used across Washington State for highway-related projects and are bonded with General Obligations bonds backed by the good faith and credit of the state (RCW 47.10.864). Bonds issued under the authority of RCW 47.10.861-866 are a general obligation of the State of Washington and pledge the full faith and credit of the state to the payment of principal, interest and contain an unconditional promise to pay such principal and interest when the bonds become due. Bond proceeds for toll revenue may include General Obligation bonds, Toll Revenue bonds, or a combination of both, as determined by the Washington State Treasurer and the State Finance Committee. In addition, on February 9, 2010, the Port of Seattle Commission, by a 5 to 0 vote, moved to affirm the Port's support and financial commitment to the Bored Tunnel Alternative.

Finally, WSDOT has submitted a federally required finance plan to FHWA, entitled *Initial 2011 Financial Plan SR 99 Alaskan Way Viaduct Replacement Project*, which is currently under review. FHWA expects to complete its review and approve the finance plan following FHWA's authorization of this Record of Decision.

O-006-002

Are all the promises made to “sell” this project to Seattle secure, like funding the new waterfront replacement street, funding transit and bike facilities, and delivering excellent urban design for portals, streets, and other urban elements? Maybe not; WSDOT officials have said publicly that they intend to deal with any emerging cost problems by “managing scope.”

Necessary mitigation has been called for in the FEIS but not yet been identified for the preferred alternative; costs are still not known. Very little funding has been set aside in the project budget for mitigation; it may be grossly inadequate. Because WSDOT's funding plan rests on some shaky assumptions, the first project components likely to be cut are mitigation of the tunnel's environmental impacts. The FHWA should require WSDOT to demonstrate, and make binding commitments, that it will adequately fund the measures identified in the FEIS as necessary to mitigate the tolled-tunnel alternative's environmental impacts.

The FEIS should have evaluated a backup plan that discloses in detail how the State plans to respond to the uncertainty described above -- including exactly which elements of the project scope will be sacrificed if necessary to avoid cost overruns, and how the Port and tolling revenues would be replaced if necessary. The public and decision-makers deserve to know the full truth, including risk scenarios, and what the financial implications may be.

O-006-003

3. The tunnel project only performs adequately for trips bypassing downtown Seattle. It makes access and mobility WORSE for trips accessing the center of Seattle, our region's key economic center.

The FEIS states that, with the tunnel, access to Seattle's CBD would be "less direct", travel time between Ballard and Spokane St. would be 1-6 minutes longer than with the existing Viaduct, and freight travel times would be increased.

While providing Seattle's core urban center is one of the primary uses of the viaduct, the tunnel offers no exits -- and thereby no access -- to downtown Seattle. It no longer provides effective access to Ballard, Magnolia, and Interbay because the connections to Elliott Ave are not replaced. This change would be especially difficult for commercial trucks that use the viaduct for delivery and services to downtown businesses, and for buses that use the viaduct to connect to downtown. The data show that the tunnel would not be a full replacement of the viaduct, as roughly only half of viaduct users will find the routing suitable to their needs.

If the tolling plan is implemented as described in the FEIS, this problem of low utility is increased. As the Nelson- Nygaard report commissioned by the Seattle Department of Transportation indicates, the 2010 SDEIS (as well as this FEIS) defined the project to exclude a critical new connection within the city street grid (the Elliott/Western connector) that will be built if a bored tunnel is selected. This omission results in an

O-006-003

The data provided in this comment regarding travel times and SR 99 traffic volumes with a Tolled Bored Tunnel are not accurate and do not reflect the analysis presented in the Final EIS and Appendix C, the Transportation Discipline Report. Please see these documents for information about travel times, access, and traffic volumes. The Bored Tunnel Alternative does provide access to downtown Seattle and Ballard, Magnolia, and Interbay; however, as documented in the Final EIS, the Bored Tunnel changes the location and/or routes by which these areas will be accessed. Please see Exhibits 5-9 and 5-10 in the Final EIS, which show expected travel volumes. Note that traffic volume differences between the Tolled and Non-Tolled build alternatives are caused by tolling SR 99. Please see Question 15 in Chapter 5 of the Final EIS for a description of effects to freight.

The traffic analysis completed for the project reflects an evaluation of the Bored Tunnel Alternative, which does not include the Elliott/Western Connector. The results of this analysis are presented in the Final EIS in Chapter 5 and in Appendix C, Transportation Discipline Report in Chapters 5 and 7. As described in Chapter 2, Question 9, the Elliott/Western Connector is an independent project that will be examined through a separate environmental process. However, as required by NEPA, cumulative effects of reasonably foreseeable projects, including the Elliott/Western Connector, were considered as part of the cumulative effects analysis presented in Chapter 7 of the Final EIS. Detailed traffic analysis comparing the proposed action (Bored Tunnel) and the cumulative transportation effects of independent projects that comprise the Alaskan Way Viaduct and Seawall Replacement Program (which includes the Elliott/Western Connector) are provided in Chapter 8 of Appendix C, Transportation Discipline Report.

O-006-003

overestimate of the number of vehicles using the tunnel, and an underestimate of the tolling diversion.

The State did model a 2015 program alternative (including the connector) with Toll Scenario C, but the results are not reflected in the SDEIS. In this model, 38,000 daily trips were forecasted to use the tunnel, compared to 86,000 without a toll. The State's analysis suggests that with the planned Elliott/Western connector, tolling diversion from the tunnel could be as high as 55% of daily traffic.

The diversionary effects of a toll show that a tolled- tunnel alternative is neither cost effective nor able to meet the project's purpose and need. To raise \$400 million in tolls, each one-way peak hour trip cost up to \$4.00 or \$5.00 for the 2-mile stretch of SR-99. Because there are ample free parallel routes, only 38,000 or 1/3 of the current viaduct traffic are expected to use the tunnel; other users would divert to city streets.

This combination of the lack of exits downtown and the diversion from tolling places an unbearable burden on the city streets, especially around the southern interchange. Streets in this neighborhood, the Pioneer Square Historic District, cannot simply be widened to accommodate such a heavy flow to and from the single downtown interchange.

While these problems are acknowledged in the FEIS, and additional solutions and mitigation are called for, no solutions are identified and budgeted in the funding plan. Without some significant improvements to transit and local streets, travel in Seattle will be significantly degraded by this project. Mitigation for all the traffic problems caused to Seattle streets, and to Seattle transit users, must be identified and funded in the project budget.

On a deeper level, this condition calls into question the very utility of the project. Why spend this much for a facility that is expected to be unaffordable and undesirable for so many potential users? If mitigation is not funded, it could create WORSE access and mobility for 2/3 of current viaduct users. For \$3.1 billion, that is not much of a solution.

Before issuing the ROD, the FHWA must ensure that it is reasonable to spend federal-aid highway dollars on a project that causes such significant local problems, delivers so little utility, and only serves drivers who are seeking to bypass Seattle's CBD and financially able to pay the high cost of tolls.

O-006-004

5. The FEIS improperly excludes the planned replacement of Alaskan Way, and the Elliott / Western connector, in its analysis.

An environmental impact statement (EIS) is inadequate if it does not adequately consider the significant individual and cumulative environmental impacts resulting from a project. Stated another way, by artificially breaking off pieces of the project that is the

Proposed mitigation for transportation effects are discussed in Chapter 8 of the Final EIS and in the Project Commitments section of this Record of Decision.

O-006-004

The Bored Tunnel Alternative as defined in the Final EIS does not include the Elliott/Western Connector. The Elliott/Western Connector is an independent project that will be evaluated through its own environmental review process. The Final EIS does describe the Elliott/Western Connector in Chapter 2, Question 9 and cumulative effects of the Elliott/Western Connector and other projects are provided in Chapter 7 of the Final EIS. The detailed transportation cumulative effects analysis is provided in Chapter 8 of Appendix C, Transportation Discipline Report. The purpose of providing both the transportation analysis of the proposed action (the Bored Tunnel Alternative) and the proposed action with other projects identified as part of the broader Alaskan Way Viaduct and Seawall Replacement Program was to meet FHWA's requirements under NEPA for cumulative effects analysis.

Each of the build alternatives evaluated in the Final EIS has independent utility and would meet the purpose and need (see Final EIS Chapter 5, Question 37).

O-006-004

subject of the EIS, an EIS fails to give policy makers and the public a complete view of a project's significant environmental impacts.

The City DOT and WSDOT have long described the replacement of Alaskan Way, with its new connection to Elliott and Western Aves, as included in – and critical to the success of -- the tunnel project. The city and state DOTs are working together to ensure that the new Alaskan Way surface street provides the important connection to Ballard, Interbay and Magnolia, acknowledging the importance of this connection for commercial freight movement, and admitting that the tunnel itself would not provide this connection. However, this important concurrent project is not mentioned in the FEIS, nor included in the traffic modeling. This presents an inaccurate depiction of traffic diversion to city streets, especially under high-toll scenarios. This sort of segmentation is expressly outlawed by C.F.R. § 1508.25.

O-006-005

6. The FEIS's traffic modeling and presentation of the resulting data is so badly limited that the FEIS is inadequate.

The first flaw in the FEIS predictions of future demand emerges from a traffic model that uses unrealistic and outdated assumptions of future vehicle miles traveled in the model years studied. In our region, like many urban regions throughout the world, travel by car is declining. It has been declining for a decade. We now drive 14% less per capita, and 6% less overall – despite gains in population and economic growth – than we did in 2001. It is unrealistic for WSDOT to use models that assume significant growth in demand for travel by car. The facts don't support it. Furthermore, many indicators – economic, cultural, and demographic – suggest a continuing decline of VMT.

The second flaw in the FEIS' traffic model is that it paints a picture and models travel behavior as if "demand" for car travel exists independent of "supply." This is dubious at best, and deceitful at worst. Hundreds of cases of capacity reduction *in urban systems* show that this is simply not true. Reductions in capacity supply inspire a rearrangement of travel choices – for instance, change to bike or transit mode, change travel time, trip chain, carpool, rideshare, telecommute, shop on-line instead, or choose a local destination. According to analysis of real-world data, on average 25% of car trips do not reappear in an urban system in which capacity has been reduced -- with no adverse economic effect. Gridlock has never once materialized from a planned capacity reduction where notice was given and alternative solutions provided.

Not only is future demand is not absolute, but the City and State have policies that mandate investments and policy choices that *reduce* overall VMT.

The third flaw in the FEIS stems from its presentation of the data produced by its traffic model. Travel models are blunt instruments, with little ability to mimic the flexibility in human behavior about travel decisions. A look back comparing modeling predictions to reality show that results of models are often wildly inaccurate – especially in the case of highway removal -- and much analysis has been done examining why. However, this real

O-006-005

The transportation modeling completed for this project uses current models developed by the Puget Sound Regional Council and the City of Seattle Department of Transportation. The modeling techniques employed are consistent with current professional practice and have been reviewed and approved by FHWA staff at the division and headquarters levels. WSDOT has conducted additional review of the attachments to this comment letter and its analysis is included in the project file. This analysis confirms that the traffic forecasts in the Final EIS are sufficient for purposes of NEPA analysis.

O-006-005

debate in the profession of urban transportation planning is ignored, and the results of traffic models in the FEIS are presented as if they are fact. Small spot increases in congestion are reported as "gridlock!" -- without any indication of the statistical uncertainty that underlies the data.

For the FEIS to assume increased future demand for car travel, to assume high fuel prices will not affect travel and life choices, to model travel as if people would not make different choices if faced with congestion, to ignore policies that mandate reducing VMT, and to falsely portray modeling results as "fact" creates an inaccurate picture of the future. The net effect is exaggerated picture of need and utility, falsely certain predictions of chaos and gridlock if the facility is NOT built, and thereby an inaccurate picture of benefit. This is misleading for both the public and decision-makers, and seems to be the opposite of what NEPA and SEPA policy stands for.

As the UW researchers in a study entitled "Assessing Uncertainty About the Benefits of Transportation Infrastructure Projects Using Bayesian Melding: Application Seattle's Alaskan Way Viaduct," said of a previous WSDOT study that presented data from traffic models in the same way, "These point estimates ignore any uncertainty involved in the models used to generate them, and thus could mislead the public into having an unwarranted degree of confidence in the benefits of making these investments."

WSDOT should run models again with different scenarios - for instance, assuming decreased demand for travel in this corridor, flat travel in this corridor, and higher future fuel costs -- and present ranges of possible predictions. WSDOT should explain the uncertainty in their future predictions of facility use, and clarify the full range of margin of error for all detailed measures.

O-006-006

6. Historic resources are not adequately protected from the risks during construction and harmful traffic impacts. Pioneer Square deserves full protection under Section 4f as a Historic District.

WSDOT has not adequately addressed the local and federal regulations that protect historic resources, specifically the Pioneer Square Historic District. The relevant regulations are the Seattle Municipal Code, Section 106 of the 1966 National Historic Preservation Act, and Section 4(f) of the 1966 Department of Transportation Act. The Seattle Municipal Code defines why and how the Pioneer Square Preservation District should be protected. This special review district was established in large part to "avoid a proliferation of vehicular parking and vehicular-oriented uses . . . to encourage the use of transportation modes other than the private automobile . . . and to encourage pedestrian uses."

In a recent letter to the Federal Highway Administration's Preservation Officer, advocates explained the threat (paraphrased here): Pioneer Square is built upon old and decaying underground infrastructure and low-quality fill from when the District was reconstructed 100 years ago. Streets and sidewalks were raised one story, and are

O-006-006

FHWA, WSDOT, and SHPO have executed a Memorandum of Agreement (MOA) to resolve the adverse effects of the project on historic properties pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations. The MOA is included as Attachment C to Appendix I of the Final EIS. Requirements for specific historic properties in Pioneer Square are included in Stipulations I and II, and requirements for the Pioneer Square Historic District are included in Stipulation III. The Final Section 4(f) Evaluation for the project was published in the Final EIS, with discussion of the Pioneer Square Historic District appearing in Sections 4 and 5 of the evaluation. Appendix J of the Final EIS includes supplemental materials for the Final Section 4(f) Evaluation.

O-006-006

structurally supported by an unusual and fragile system of retaining walls and underground "areaways," the now-underground former sidewalks. Can streets physically withstand the high volumes of traffic and heavy loads expected? This concern must be better analyzed, and the answer known before WSDOT is given approval to overload the streets.

If the tunnel is built, WSDOT predicts widespread congestion on streets, delays for buses and trucks, and back-ups onto SR-99. For well over a year, WSDOT has been aware that the volume of traffic in Pioneer Square would not be acceptable on Pioneer Square streets, but has offered no solutions.

Historic Preservation leaders are concerned that WSDOT doesn't comprehend what it means to protect the full Historic District. WSDOT's project views the neighborhood as a set of buildings, not as a comprehensive whole.

Section 4(f) stipulates that Parks and Historic Sites -- such as the Pioneer Square Historic District -- cannot be used for highway purposes unless these conditions apply:

- The action includes all possible planning to minimize harm to the property resulting from use.
- There is no feasible and prudent alternative to the use of land.

WSDOT is in violation of both points. First, WSDOT refuses to identify, negotiate and fund solutions to the problems they know exist before attempting to start the project. Falsely asserting that the Historic District is only its buildings, and not its streets, character, views, pedestrian and bicycle friendliness, is not accurate and allows WSDOT to avoid responsibility for egregious impacts. \

Second, the artificially narrowed statement of purpose and need excludes solutions that reduce car travel and disperse trips onto other routes and modes. Instead it allows WSDOT to falsely argue that the source of much of the problems -- the single interchange which concentrates all downtown bound traffic through the Historic District streets -- is the "only" solution.

Should this project proceed, the Pioneer Square Historic District streets are at risk of becoming high capacity access routes for SR 99. This could destroy the calm pedestrian character of this neighborhood, put the delicate underground areaways at risk of failure, and degrade the very historic resource that is protected.

WSDOT and FHWA must do a thorough section 4(f) analysis of how to fully protect the Pioneer Square Historic District.

O-006-007

7. The tunnel alternative degrades and threatens transit.

In an inter-agency review of the tunnel project, the Federal Transit Authority (FTA) sent WSDOT a letter critical of the project. "In the broadest sense FTA remains disappointed

O-006-007

The project will not have significant impacts to transit, and the Final EIS discusses mitigation as required by CEQ and FHWA regulations. The project includes several features that will benefit transit operations in the downtown Seattle area. These are described in Chapter 3, Question 4 of the Final EIS and in Appendix C, Transportation Discipline Report and in the Project Commitments section of this Record of Decision. In brief, both the south and north portals include transit bypass lanes that will allow buses to pass general traffic in entering the downtown street grid. Overall transit access through downtown Seattle will be improved by the project as it will support service through more of the street grid than is presently possible; however, transit travel times will vary because access points will change. This is described in the Final EIS in Chapter 5, Question 14.

O-006-007 | that the Project's impacts on public transportation are, from our perspective, adverse, even with mitigation."

The City of Seattle, like all urban areas in the US, is confronting the triple threat of climate change, volatile energy costs, and an on-going recession. As described in People's Waterfront Coalition's SDEIS letter, there are myriad plans and policies at the City, County, State, and Federal level setting course for a less car dependent future toward the mandate of lower greenhouse gas emissions and reduced economic dependence on fossil fuels.

This project does not comply with this intended shift, and actively impedes it. This project does not add any new transit service. The Statement of Purpose and Need does not allow consideration of any solutions that include a shift to transit modes. Worse, the project degrades transit by removing important access points for buses into the city, and by causing -- but not resolving -- problems by concentrating so many downtown bound cars, trucks, buses into one interchange.

This situation of worsened transit access and viability must not stand. The FEIS must both a) consider a solution that relies more heavily on transit, demand management strategies, efficiency improvements, and bike facility investments and b) identify solutions to improve, not degrade, transit service within the proposed tunnel project.

O-006-008 | **8. The tunnel project should fully identify and mitigate impacts from soil settlement, water management, and from any ground stabilization measures.**

Soil settlement along the bored tunnel route could cause damage to private buildings and publicly owned utilities, streets, and other infrastructure. The uncontrollable risk of digging below the water table can pose additional challenges to the protection of public and private property. The FEIS should identify possible impacts, including secondary impacts, and commit to full mitigation within the project budget.

Soil improvements and stabilizing measures may be needed along the bored tunnel alignment to protect existing structures and public utilities from settlement. WSDOT should include full evaluation of possible impacts from soil settlement. WSDOT should also analyze the impacts of possible ground water mounding that may result from soil improvements, and the permanent changes to ground water flow so that solutions (monitoring, pumping, deepening foundations, etc) can be identified. WSDOT must commit to fund the necessary protection strategies and mitigation to protect Seattle utilities and properties, both public and private.

O-006-009 | **9. The project ignores a key opportunity, and our city's and state's mandates, to reduce greenhouse gasses.**

O-006-008

Impacts and mitigation measures for all of these subjects (and more) are provided in the Final EIS and attached discipline reports (see Final EIS Chapter 6, Question 29 and Appendix P, Earth Discipline Report). Project commitments are described in this Record of Decision.

O-006-009

The Final EIS provides a complete evaluation of air quality and greenhouse gases in Chapter 5, Questions 28 and 29, and Chapter 7, Question 4, and in Appendices M, Air Quality Discipline Report, and R, Energy Discipline Report. Appropriate mitigation measures are described in Chapter 8 and in the Project Commitments section of this Record of Decision.

O-006-009

The FEIS's Air Report makes the point that the study area is located within a maintenance area for carbon monoxide (CO) and an attainment area for all of the other criteria pollutants.

"Because the Bored Tunnel Alternative would not cause or exacerbate an exceedance of the NAAQS or increase regional emissions, it would meet the project-level conformity requirements (40 CFR 93.123)."

"Because regional MSAT emissions are not expected to increase and no exceedances of the NAAQS are expected, no significant adverse effects on air quality are expected to result from the three build alternatives. Therefore, no mitigation measures for operational effects would be required."

As discussed above, the State and the City of Seattle both have policies and commitments to work to **reduce** greenhouse gases to attempt to curb or reverse global warming.

The tunnel will contain an elaborate exhaust system to collect vehicle emissions in the Tunnel and release them into the air from two point source stacks. There is no plan to do anything to manage or treat these toxic gases at the stacks.

The State must commit, as a mitigation measure, to use reasonably available control technology at the stacks to reduce greenhouse gases to help achieve our shared commitment to curb greenhouse gases.

Further, the viaduct replacement project presents a significant opportunity to help the City and State achieve policy objectives for reducing emissions, reducing VMT, and achieving carbon-neutrality. This project positions itself in opposition to these policies in several significant ways: Insisting on vehicle capacity replacement as a narrow definition of purpose; refusing to study alternatives that rely on transit, efficiencies, demand management, or other modes; asserting that a dubious prediction for expected demand for car travel disqualifies any other approach but a highway; and failing to do a real comparison of how overall VMT affects greenhouse gas generation.

In addition, the FEIS fails to adequately address the full range of possible impacts of climate change, and identify how the project may need to adapt to changing conditions. Sea level rise, increases in storm surges and storm energy, and stormwater flow changes are expected. Any long term infrastructure must adequately consider future conditions along Seattle's western edge quite different from the present. The UW Climate Impacts Group and City of Seattle's data on possible impacts to Seattle should be used to model potential impacts. The FEIS must identify adaptation measures, and consider these as potential contributors to the total cost.

O-006-010

Summary

WSDOT has created a fatally flawed NEPA process by narrowing the statement of purpose and need for unjustified reasons, failing to analyze all reasonable alternatives, withholding financing information on the project until the last minute, failing to perform a full Section 4(f) analysis for the Pioneer Square Historic District, and falling short of the objectivity and good-faith required by NEPA. Before finalizing the FEIS, WSDOT and state officials made a de-facto final decision when they declared the bored tunnel alternative is a done deal. WSDOT assumed an adversarial stance toward anyone who questioned their de-facto final decision, suing a citizen group to stop a valid referendum and punishing a cooperating agency (Seattle DOT) for submitting comments regarding further study of a lower cost alternative and necessary mitigation for harmful impacts. These actions are not those of an agency performing an objective and good-faith review of the project; they seem like the actions of an agency sacrificing an objective process in favor of ensuring their predetermined outcome is realized.

Now that the FEIS is published, and some elements of the financing plan have been recently shared, this is now the only opportunity for decision-makers and the Seattle public to weigh the merits of a tolled tunnel and to negotiate solutions to unresolved problems with the project. Is usage by only 1/3 of present viaduct users enough to justify the project? How will the \$700 million funding gap be covered? What will be cut if it is not? Problematic impacts to Seattle streets and facilities have been identified; will any additional solutions be included in the project budget? Will any mitigation be funded? Are historic resources and private property adequately protected? If so, what is the total cost of the project, and how will additional money be raised?

Instead of a constructive discussion, WSDOT has misled the public into believing it is too late to ask questions, too late to solve problems, and there are no other alternatives. The FHWA must take action now to avoid ratifying WSDOT's missteps, and should address the problems raised in this and other FEIS letters before issuing a Record of Decision.

Sincerely,

Cary Moon
Director, People's Waterfront Coalition

O-006-010

FHWA is satisfied all procedures required by NEPA have been followed, including disclosing relevant information for the public and decision makers and completing a detailed Section 4(f) Evaluation. The public has been afforded ample opportunity to comment on the project and review the substantial amounts of information that have been made available.