

Friends of Seattle  
434 NE Maple Leaf Pl #201  
Seattle, WA 98115

December 13, 2010

Angela Freudenstein  
Alaskan Way Viaduct Replacement Project  
999 Third Ave., Suite 2424  
Seattle, WA 98104

Dear Ms. Freudenstein,

On behalf of Friends of Seattle, I submit the following comments on the Alaskan Way Viaduct Replacement Project 2010 Supplemental Draft EIS ("2010 Draft EIS"). The comments include this letter as well as the documents included with this letter on the enclosed CD-ROM.

Friends of Seattle is a membership-based advocacy organization whose mission is to make Seattle the green, urban city we need. We propose policy reforms, lobby elected officials, and endorse candidates for office. Since the 2006, Friends of Seattle has published op-eds on the Viaduct replacement project in the *Seattle P-I* and *Real Change*, has lobbied the members of the state legislature and the Seattle City Council on the project, and has participated in numerous public forums debating the issue.

RECEIVED

DEC 14 2010

WSDOT Doc. Control

**C-013-001** | **1. Statement of Purpose and Need**

The change of the project's purpose-and-need statement from the 2006 Alaskan Way Viaduct & Seawall Replacement Project Supplemental Draft Environmental Impact Statement ("2006 Draft EIS") to the purpose-and-need statement in the 2010 is unreasonably narrow, arbitrary, capricious, and contrary to law. The 2006 purpose-and-need statement was as follows:

The main purpose of the proposed action is to provide a transportation facility and seawall with improved earthquake resistance. The project will maintain or improve mobility, accessibility, and traffic safety for people and goods along the existing Alaskan Way Viaduct Corridor as well as improve access to and from SR 99 from the Battery Street Tunnel north to Roy Street.

2006 Draft EIS, at 122.

The 2010 purpose-and-need statement is as follows:

The purpose of the proposed action is to provide a replacement transportation facility that will:

- Reduce the risk of catastrophic failure in an earthquake by providing a facility that meets current seismic safety standards.
- Improve traffic safety.

Friends of Seattle's Comment Letter  
Alaskan Way Viaduct Replacement Project 2010 Supplemental Draft EIS  
Page 1 of 5

**C-013-001**

Changes made to the project's purpose and need statement in 2010 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.

- Provide capacity for automobiles, freight, and transit to efficiently move people and goods to and through downtown Seattle.
- Provide linkages to the regional transportation system and to and from downtown Seattle and the local street system.
- Avoid major disruption of traffic patterns due to loss of capacity on SR 99.
- Protect the integrity and viability of adjacent activities on the central waterfront and in downtown Seattle.

2010 Draft EIS, at 6.

As is obvious, the statement of purpose and need changed from 2006 to 2010, but the Washington State Department of Transportation (“WSDOT”) has not explained the reasons for this change. The 2006 version focused broadly on the movement of “people and goods,” whereas the 2010 version seeks to “[p]rovide capacity for automobiles, freight, and transit.” The concept of “capacity” is new and represents a radical departure. Instead of focusing on the movement of people of goods, however that might be achieved, the 2010 statement of purpose and needs focuses on “capacity” for vehicles. As recently as 2008, during the Partnership Process, WSDOT had agreed to a set of guiding principles for the project which included the goal of “[p]rovid[ing] efficient movement of people and goods now and into the future.” 2010 Draft EIS, at 50. The reasons for this change have not been explained by WSDOT. To be sure, the 2010 statement links the concept of “capacity” with the movement of “people and goods.” However, this linkage is new. Friends of Seattle’s position is that this change was done to exclude consideration of reasonable alternatives that rely more significantly on transit. Transit-reliant alternatives cannot provide “capacity” for automobiles. Thus, WSDOT has arbitrarily and capriciously changed and tailored the statement of purpose need to favor to alternatives that have significant capacity for automobiles.

Under state law, WSDOT is required to focus on the movement of people and goods, not vehicles, and it must develop strategies for reducing vehicle-miles traveled statewide. For instance, the statute setting forth the goals for the state’s transportation system does not mention capacity for vehicles. Rather, it states the goal of “improv[ing] the predictable movement of goods and people throughout Washington state,” RCW 47.04.280(1)(d), and “[t]o promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy,” RCW 47.04.280(1)(a). Capacity for vehicles is not one of the goals. To the contrary, the Legislature has required WSDOT to “[d]evelop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods.” RCW 47.01.078(4). More specifically, the Legislature has required WSDOT to develop and implement goals for reducing vehicle miles traveled statewide by 18% by 2020, 30% by 2035, and 50% by 2050. RCW 47.01.440(1). Therefore, WSDOT’s statement of purpose and need is unreasonably narrow and contrary to law if it specifically requires capacity for automobiles.

Friends of Seattle urges WSDOT to remove the reference to “capacity for automobiles, freight, and transit” in the statement of purpose and need and instead focus broadly on the need to move people and goods.

C-013-002

## 2. A Reasonable Alternative Is Omitted

In violation of state and federal law, the 2010 Supplemental Draft EIS fails to consider a certain reasonable alternative. In 2008, as WSDOT knows, the Partnership Process emerged to develop a replacement solution for the central portion of the SR-99 corridor. A WSDOT convened a Stakeholder Advisory Committee, and during a yearlong process WSDOT narrowed down the choices to two—a so-called “I-5, surface and transit hybrid alternative” and an “elevated bypass hybrid alternative.”<sup>1</sup> These alternatives were developed WSDOT in partnership with the City of Seattle and King County.<sup>2</sup> As WSDOT has said, “These hybrids were selected because they were the lower cost options and provided mobility for people and goods, although in different ways.”<sup>3</sup>

An alternative based on improvements to city streets, transit, and I-5—i.e., the “I-5, surface and transit hybrid alternative”—should have been included in the 2010 Draft EIS, and WSDOT must consider it in the final EIS. WSDOT itself believed that this type of alternative was reasonable. The Stakeholder Advisory Committee endorsed it. This alternative was the result of a careful months-long process in 2008. It sustained careful vetting by the Stakeholder Advisory Committee. And the public had an opportunity to comment on it.

For your convenience, I have included, with the enclosed CD-ROM, an “Exhibit B,” which is containing all of the documents that WSDOT presented to the Stakeholder Advisory Committee. Of course, because WSDOT produced them, WSDOT is familiar with them, and it is unnecessary to describe them in great detail. By failing to evaluate the surface-and-transit hybrid alternative as part of the EIS process, WSDOT has acted contrary to law. WSDOT is required to evaluate all reasonable alternatives so that decision-makers are able to carefully weigh the options.

C-013-003

## 3. The Bored Tunnel Alternative Is Flawed

The Bored Tunnel Alternative is fundamentally flawed alternative. The reasons for Friends of Seattle's position are many, and several other individuals and groups have explained the Bored Tunnel Alternative's flaws in their own comments on the 2010 Draft EIS.

Friends of Seattle focuses its comments here on how the Bored Tunnel Alternative fails to meet two of the purposes included in the statement of purpose and need that WSDOT has adopted for the 2010 Draft EIS, namely:

- Provide capacity for automobiles, freight, and transit to efficiently move people and goods to and through downtown Seattle.
- Provide linkages to the regional transportation system and to and from downtown Seattle and the local street system.

<sup>1</sup> See Exhibit A - 082510\_Central\_process\_fs\_web.pdf.

<sup>2</sup> See id.

<sup>3</sup> See id.

## C-013-002

The 2010 Supplemental Draft EIS does consider a surface transit hybrid concept, in addition to other possible replacement solutions for replacing the viaduct. For reasons discussed on pages 53 through 58 of the 2010 Supplemental Draft EIS, the surface and transit concept, in addition to several other concepts were screened out for further evaluation in the EIS as potential build alternatives. The lead agencies completed additional traffic analysis beyond the work done as part of the Partnership Process to confirm the rationale for screening out the surface and transit hybrid concept. The additional analysis confirmed the lead agencies' rationale for not evaluating this concept further. Details of that traffic analysis were provided in Attachment A of the 2010 Supplemental Draft EIS Appendix C, Transportation Discipline Report. In addition, the Final EIS Appendix W, Screening Reports, includes the updated Surface and Transit Scenario Year 2030 Analysis Results.

The Stakeholder Advisory Committee that was involved in the Partnership Process was a group that was created to inform the recommendation that came in January 2009 Governor Gregoire, former City of Seattle Mayor Nickels, and former King County Executive Sims. The Stakeholder Advisory Committee was convened as an advisory body. The recommendation to replace the central waterfront portion of the viaduct with a bored tunnel came from Governor Gregoire, former City of Seattle Mayor Nickels, and former King County Executive Sims as a result of the work done as part of the Partnership Process. The alternatives development process is described in Chapter 2 of this Final EIS.

## C-013-003

The Final EIS contains a discussion explaining how the preferred alternative meets the project's purpose and need. In response to your comments, the Bored Tunnel Alternative does provide access both through and to and from downtown. Access to downtown from SR 99

2010 Draft EIS, at 6.

**C-013-003** | Because the Bored Tunnel Alternative has no exits for traffic bound for downtown Seattle, it does not provide capacity for people or goods going “to . . . downtown Seattle,” nor does it create “linkages . . . to and from downtown Seattle and the local street system.” 2010 Draft EIS, at 6. The only thing that the Bored Tunnel Alternative does is provide capacity for vehicles traveling *through* downtown, not *to or from* downtown Seattle.

Further, transit would not use the Bored Tunnel Alternative. There is not a single transit route in the Central Puget Sound area that simply passes through downtown Seattle. Every transit agency, however, has a route that stops in downtown Seattle. And yet the Bored Tunnel Alternative decreases, not increases, access to downtown Seattle for transit because it does not have exits to downtown.

In sum, the lack of downtown exits makes the Bored Tunnel Alternative unacceptable when measured against the 2010 statement of purpose and need. This design flaw means that the tunnel would not provide any capacity for downtown-bound traffic, whether that traffic be automobiles, freight, or transit.

**C-013-004** | **4. The 2010 Draft EIS Does Not Adequately Consider the Significant Impacts**

The EIS for this project is required to analyze significant impacts on the environment, including both the natural environment and the built environment. WAC 197-11-440(6)(e). The environment includes air quality, odor, noise, light and glare, historical and cultural preservation, parking, and vehicular traffic. WAC 197-11-444.

**C-013-005** | Any deep-bore tunnel replacement for the Viaduct will include tolling. The State’s finance plan depends on it. See RCW 47.01.402. However, the 2010 Draft EIS does not carefully evaluate the many effects that tolling of the Bored Tunnel Alternative would have on the environment. See 2010 Draft EIS, at 205 (“As currently defined, the Bored Tunnel Alternative does not include tolls.”). Even though any deep-bore tunnel requires tolling, as a practical matter, the 2010 Draft EIS expends only 20 pages, in Chapter 9, analyzing the effects of tolling.

**C-013-006** | The consequences of this cursory analysis are manifest. For example, the discussion of the effects on historical and cultural preservation states that there could be “potential congestion from increased car and truck traffic in the historic districts and in the vicinity of other historic resources due to diversion from the tolled facility.” 2010 Draft EIS, at 222. But the 2010 Draft EIS does not quantify for the public or decision-makers how much additional traffic there would be in Pike Place Market, Pioneer Square, and the historic waterfront due to tolling. As for air quality, the 2010 Draft EIS states that PM and CO levels could increase in local areas due to traffic diversion. But again, this potential significant impact on the environment is not quantified. The analysis of the diverted traffic’s effect on noise is also inadequate. In fact, the word “toll” does not appear in the Noise Discipline Report, Appendix F. The diverted traffic

**C-013-007** |

**C-013-008** |

**C-013-009** |

and from downtown to SR 99 are provided near S. King Street in the south and near Harrison Street in the north. Details about how these access point to and from downtown serve a variety of travel modes, including transit are provided in the Final EIS and Appendix C, Transportation Discipline Report.

Transit currently does not use SR 99/the viaduct to travel through downtown and that trend is expected to continue well into the future as discussed in both the 2010 Supplemental Draft EIS and the Final EIS. The Bored Tunnel Alternative proposes a variety of transit improvements to support transit access to and from downtown Seattle. In addition, transit enhancements are proposed as part of the Alaskan Way Viaduct and Seawall Replacement Program as discussed in Chapter 2 of the Final EIS.

**C-013-004**

FHWA, WSDOT, and the City of Seattle believe that the 2010 Supplemental Draft EIS does adequately consider significant impacts. The 2010 Supplemental Draft EIS and this Final EIS both describe potential effects to air quality, noise, visual quality, historical and cultural preservation, parking, and vehicular traffic per requirements under the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA).

**C-013-005**

Chapter 9 in the 2010 Supplemental Draft EIS discussed the possibility of tolling and effects if tolls were applied to the Bored Tunnel Alternative. In addition, a detailed tolling analysis has been conducted for all alternatives and is presented in this Final EIS. Please refer to Appendix C, Transportation Discipline Report, for additional detailed analysis of tolling impacts to transportation elements.

**C-013-009** | would create more light and glare in downtown neighborhoods when the vehicles travel with their headlamps and tail lights on. Yet the 2010 Draft EIS says nothing about these effects.

**C-013-010** | The position of Friends of Seattle is that the Bored Tunnel Alternative should be evaluated as a tolled facility. It cannot be financed unless the Legislature approves tolling.

Thank you for your consideration of these comments.

Sincerely,

FRIENDS OF SEATTLE

  
Gary Manta  
President

Friends of Seattle's Comment Letter  
Alaskan Way Viaduct Replacement Project 2010 Supplemental Draft EIS  
Page 5 of 5

**C-013-006**

Analysis of traffic patterns for vehicles accessing ramps to and from SR 99 in the stadium area show that vehicles would disperse onto several streets such as S. Royal Brougham Way, Alaskan Way, First Avenue, Fourth Avenue, etc. Because traffic downtown, in Pioneer Square and on the waterfront is controlled by signals, it is not anticipated that the increased volume will affect the pedestrian character nor will it make it more difficult to walk to shops or restaurants. Please see the Final EIS Appendix C, Transportation Discipline Report for the transportation analysis (both tolled and non-tolled) with further information on anticipated traffic volumes and roadway and intersection performance.

**C-013-007**

A detailed tolling analysis has been conducted for all alternatives and is described in this Final EIS.

**C-013-008**

A detailed tolling analysis has been conducted for all alternatives and is described in this Final EIS. Please refer to Appendix F, Noise Discipline Report, for additional detailed analysis of tolling impacts to noise elements.

**C-013-009**

This Final EIS and its Appendix F, Noise Discipline Report do evaluate the noise effects of diverted traffic in their measurement of "loudest hour of noise conditions" described for all three build alternatives as tolled facilities. Please refer to Appendix F and Appendix C, Transportation Discipline Report for detailed discussions and tables relating to peak hour traffic and the related noise effects.

**C-013-010**

FHWA, WSDOT, and the City of Seattle appreciate receiving your comments and recognize your preference for the Bored Tunnel Alternative to be evaluated as a tolled facility. The build alternatives are evaluated both with and without tolls in the Final EIS. The Tolling Re-evaluation Memo is included as Appendix X of the Final EIS, and Appendix C, Transportation Discipline Report, for additional detailed analysis of tolling impacts to transportation elements.