

DEPARTMENT OF ECOLOGY

ALASKAN WAY VIADUCT SDEIS COMMENTS – DECEMBER 13, 2010

Air Quality (Mike Boyer)

- S-001-001** | 1. The analysis for both the bored tunnel alternative and the surface street improvement projects meet the State and Federal transportation conformity requirements. The report is very thorough and well done. There may be a typo on page 44, Section 7.1, "Air Quality Trends", paragraph 2, sentence 2, greenhouse gas discussion: CO should be CO2.

Shorelines (Joe Burcar)

- S-001-002** | 1. *Appendix D – Visual Quality, Appendix G – Land-Use, and Appendix N – Wildlife, Fish and Vegetation.* Generally, it appears that the main issues related to SMA are water quality and construction BMP related. Waterfront access will be affected by noise and temporary closures, but it appears that WSDOT has adequately acknowledged these issues and will avoid and or minimize these construction related impacts to the extent possible.
- S-001-003** | 2. Finally, not directly relevant to this Supplemental (focused on the Bored Tunnel Alternative), the Land-use discipline report incorrectly references "LU241" as part of the SMP. LU241 is an amendment that was never approved by Ecology and is therefore not part of the City's current SMP. The amendment essentially prohibits aerial viaduct(s) within the City's shoreline area.

Hazardous Waste (Byung Maeng)

Appendix Q Hazardous Material Discipline Report

- S-001-004** | 1. On page 21, 3.2.1 Federal Databases: There is a typo on the third line: CERLIS à CERCLIS
- S-001-005** | 2. On page 151, second full paragraph: "Contained-in" designation is not quite related to the landfill leaching scenario. A contained-in designation means that tetrachloroethylene concentration in contaminated soils doesn't exceed the risk-based MTCA Method B soil cleanup level. Therefore, the soils are not required to be managed as dangerous wastes.

Environmental Justice (Millic Piazza, Ph.D.)

Choose a topic

- Overall Project
- All of the Alternatives
- Tolling Option

S-001-001

FHWA, WSDOT, and the City of Seattle appreciate receiving your comments. The typo has been corrected in the Final EIS.

S-001-002

FHWA, WSDOT, and the City will continue to work to avoid or minimize effects throughout the construction period. Chapter 8, Mitigation, of the Final EIS contain updated information on mitigation measures.

S-001-003

Appendix G, Land Use Discipline Report, of the Final EIS describes LU241 as part of the relevant shoreline goals and policies in the Land Use element of Seattle's Comprehensive Plan.

S-001-004

This typo has been corrected in the Final EIS Appendix Q, Hazardous Materials Discipline Report.

S-001-005

The text has been modified so that MTCA Method B criteria are identified as the threshold values for "contained-out" waste.

- Construction Impacts & Mitigation
- Traffic Impacts & Mitigation
- Other Environmental Justice

Chapter 2 - Summary:

S-001-006

- 1) The report states that *"tolls would be appreciably more severe for low-income users (p. 41),"* but that *"other studies on tolling"* reporting the benefits of a tolled road *"offset the burden of the tolls, or because there are viable options to avoiding the toll."*

Comments:

- A. It is unclear if the *"other studies on tolling"* were studies conducted for the purpose of assessing impacts from the Alaskan Way Viaduct Replacement Project, or studies unrelated to this Project. Relying on results from *"other studies on tolling"* might not be valid, as *"other studies"* also report numerous disparate impacts (e.g., traffic through neighborhoods, decreased access to businesses and services, limited walking and biking mobility, higher safety risks on alternative routes, etc).
- B. It is unclear if the *"other studies on tolling"* analyzed the toll burden specifically related to impacts on low-income users or the general population. The statement suggests that low-income respondents felt the toll impact could be reasonably offset from benefits or alternative routes *that they themselves would experience*. Is this accurate?

- 2) The report states that the *"low-income population would have to pay a higher portion of their income to use the tolled facility. (p. 41)"*

Comments:

- A. It would be helpful if the report clarified how the project will mitigate the financial burden of tolling on low-income residents. And, if no mitigation is proposed, the report should clarify why mitigation options are not being pursued (e.g., toll exemptions, toll subsidies, etc).

Chapter 9 - Tolling:

- 1) The report states that *"Other studies of tolling have concluded that effects upon low-income populations would not be disproportionately high and adverse because tolling often results in improved trip reliability and higher speeds, which are benefits that offset the burden of the tolls. (p. 219)"*

Comments:

- A. Clarification should be made which *"other studies of tolling"* are being referenced.
- B. The *SR 520 SDEIS* included a study finding that 64% of low-income respondents said they would avoid the toll and use a non-tolled route (p. 79 / L. 24-25). Therefore, this local study on tolling concluded that the majority of low-income respondents would not

S-001-006

The Final EIS discusses tolling effects for all the build alternatives. Tolling the build alternatives would not result in disproportionately high and adverse effects to low-income or minority populations. However, WSDOT would implement measures to improve the accessibility of transponders to low-income and minority populations.

The "other studies on tolling" as referenced by this comment are the tolling studies conducted for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project and the Columbia River Crossing Project. WSDOT presented the SR 99 Alaskan Way Viaduct Replacement: Updated Cost and Tolling Summary Report to the Washington Legislature in January 2010.

S-001-006

use the tolled route and so the tolling benefits would not offset the burdens for low-income populations. Please provide any study findings related to the Alaska Way Viaduct Replacement Project that demonstrate that the majority of the low-income drivers would use a tolled route thus supporting the conclusion that the benefits of a toll road offset the burden.

Social Discipline Report

S-001-007

1) The report states that, “*environmental justice refers to the process of identifying and addressing, as appropriate, disproportionately high and adverse human health and/or environmental effects on minority and/or low-income populations.* (p. vii)”

Comments:

A. This SDEIS does not contain an analysis or evaluation of potential adverse health effects related to the Project. Given the significant association of premature death with long-term exposure to fine airborne particulate matter (EPA Final Rule - 70 FR 943), health effects should be addressed in the SDEIS. In the Seattle area, there is particular concern about the impact of transportation related air pollution in communities with environmental justice concerns.

For this reason, the SDEIS should address air quality concerns for impacted and vulnerable communities. Specifically, the Social Discipline Report and the Air Discipline Report should provide a general assessment of potential adverse health effects resulting from the Project (e.g., how the Project could potentially impact the health of people where they live and work, and whether low-income, minority, or LEP residents are disproportionately impacted.)

B. Of particular concern, are the potential health effects from the temporary worsening air quality during the construction phase of the Project. As identified in the SDEIS, there are a higher percentage of low-income residents and certain minority group members living in close proximity to the Project site. Health effects may be disproportionately felt by these residents given additional socio-economic vulnerabilities and cumulative impacts. Low-income, minority, and LEP residents of neighborhoods in the project study area may be more severely burdened by impacts because these residents may have fewer resources to mitigate the impacts of construction related effects.

The EJ analysis in this report would be strengthened by project-related air quality analysis, particularly for potential health effects from air toxics, diesel exhaust, and particulate matter near construction areas, truck haul routes, and alternative transportation routes (including toll-avoidance routes).

S-001-007

Currently available technical tools do not allow a prediction of the project-specific health effects that would result from the potential emission changes associated with a project. Details of these limitations are described in this Final EIS. However, regional MSAT emissions are not expected to increase and exceedances of the NAAQS also are not expected. Therefore, no significant adverse air quality effects are expected to result from the build alternatives. For construction-related effects, a Memorandum of Understanding between WSDOT and PSCAA is in place to help eliminate, confine, or reduce construction-related emissions for this project.

Please refer to Appendix M, Air Quality Discipline Report, for additional details.