

Attachment 8
Correspondence

Attachment 8: Correspondence

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April, 14, 2011	Environmental Justice and Tolling Approach for SR 520, I-5 to Medina: Bridge Replacement and HOV Project	Paula Hammond, P.E. WSDOT	Daniel Mathis, P.E. FHWA
August 5, 2010	City of Seattle's Certification that the MOHAI Building Is Not of Local Significance as Part of McCurdy Park	Christopher Williams, Seattle Parks and Recreation	N/A
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April 29, 2010	Preferred Alternative for SR 520, I-5 to Medina: Bridge Replacement and HOV Project	Daniel Mathis, P.E. FHWA	Paula Hammond, P.E. WSDOT
April 26, 2010	Preferred Alternative for SR 520, I-5 to Medina: Bridge Replacement and HOV Project	Megan White, P.E. WSDOT	Daniel Mathis, P.E. FHWA
May 22, 2009	SR 520 Co-Lead Agency	Joni Earl Sound Transit	David Dye WSDOT
June 18, 2008	SR 520 Approval of a Separate Transit and HOV Improvements Project	Stephen Boch, P.E. FHWA	Julie Meredith WSDOT
June 18, 2008	Discussion of Logical Termini and Independent Utility for SR 520 Eastside Transit and HOV Improvements Project	Julie Meredith WSDOT	Stephen Boch, P.E. FHWA
October 27, 2004	Section 4(f) Evaluation, SR 520 Bridge Replacement and HOV Project	Kevin Stoops Seattle Parks and Recreation	Paul Krueger WSDOT
October 12, 2004	Section 4(f) Evaluation	Paul Krueger WSDOT	Kevin Stoops Seattle Parks and Recreation



Washington State
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Paula J. Hammond, P.E.
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April 14, 2011

Mr. Daniel M. Mathis, P. E.
Division Administrator
FHWA
711 South Capitol Way
Olympia, WA 98501

Subject: Environmental Justice and Tolling Approach for SR 520, I-5 to Medina:
Bridge Replacement and HOV Project

Dear Mr. Mathis:

As you know, a lot of good work has gone on since you and I exchanged letters on Environmental Justice and tolling last fall. I am very pleased to share with you the results of our staffs' collaborative efforts.

Our policy and technical leads, in consultation with FHWA legal counsel, considered new information and determined that there will be no "high and disproportionate" effects on the EJ populations. The attached memorandum documents the agreed-on approach for this determination in the SR 520, I-5 to Medina: Bridge Replacement and HOV Project Final EIS.

Our agencies share a strong commitment to equity, environmental justice, and providing meaningful opportunities for public engagement so that our transportation investments avoid unintended consequences. I believe that the SR 520 project is a great example of WSDOT's careful attention to these important concerns. The final project documents will demonstrate how we have appropriately considered the environmental issues and the effects of tolling on minority and low-income populations.

Thank you so much for your help. If you have any questions, please contact Megan White at 360-705-7480 or Carol Lee Roalkvam at 360-705-7126.

Sincerely,


Paula J. Hammond, P. E.
Secretary of Transportation

*Thanks
for your help
on this!*

PJH:clr

cc: Jeff Paniati, FHWA Executive Director
Christine Johnson, Director of Field Services – West
Bryce Brown, Senior Assistant Attorney General



April 13, 2011

TO: Randy Everett, Sharon Love, Jodi Petersen

FROM: Carol Lee Roalkvam and Allison Hanson

SUBJECT: Recommended approach for modifying the environmental justice determination in the SR 520, I-5 to Medina HOV and Bridge Replacement Final EIS

Background

In the Supplemental Draft EIS for the SR 520 Bridge Replacement and HOV Project, analysts concluded that the proposed toll on the bridge would have a disproportionately high and adverse effect on some low-income populations. FHWA-WA Division writes in its letter to WSDOT on October 22, 2010 that the initial finding was "based on the narrow facts of SR520 [in the SDEIS] and certain assumptions we had at the time." "One assumption [in the SDEIS] was... there was no reasonable free transportation alternative...nor was there consideration of providing additional transit service to better serve the EJ populations."

As the policy and technical leads for our agencies, we have worked together to examine the effect determination and other information in preparation of the Final Environmental Impact statement (FEIS). Through our discussions with FHWA legal counsel and other experts, we came to a mutual understanding on our project-specific approach, and clarified key points of the FHWA Environmental Justice order. After careful consideration, we have determined that the new actions taken to provide more affordable alternatives to paying the toll, coupled with the benefits of the project, offset the adverse effects of the toll on low-income populations. Therefore, we conclude that the project will not have a disproportionately high and adverse effect on low-income populations.

We agreed that the following new information should be considered as part of the FEIS evaluation:

1. One of the important concepts in evaluating the impact of tolls on low-income populations is whether the low income population has an affordable alternative to the toll. Since publication of the SDEIS, WSDOT and King County Metro Transit have taken new actions to provide affordable alternatives to paying the toll, such as offering free crossing between 11 pm and 5 am and expanding transit service and ridesharing in advance of early tolling on the SR 520 bridge.
2. FHWA has provided us with guidance that overall project benefits – including those that apply broadly to all users – should be considered in determining whether there is a disproportionately high and adverse effect on low-income or minority populations. According to research conducted for this project, many low-income drivers consider a faster, more reliable trip across Lake Washington to be worth the cost of a toll. A faster,

more reliable trip across the lake is a direct benefit to users of the SR 520 corridor from the project. Furthermore, all SR 520 users will benefit from a safer bridge that is less vulnerable to catastrophic failure.

Purpose of this memorandum

In writing this memorandum, our objective is to document the information that supports modifying the environmental justice finding in the SR 520, I-5 to Medina Project FEIS. We consulted with FHWA in developing agreement on the approach that is documented in this memorandum. The purpose of this memorandum is to:

1. Briefly summarize the basis for the disproportionately high and adverse effect determination in the SDEIS and identify the affected low-income communities and how they will be affected.
2. Briefly summarize the benefits of tolling the SR 520 bridge to all users, including low-income populations.
3. Provide new information about the actions that WSDOT and King County Metro Transit are taking to expand affordable alternatives to paying the toll in advance of early tolling on the SR 520 bridge.
4. Make a conclusion as to whether there is a disproportionately high and adverse effect on low-income populations after applying the new information and weighing the magnitude of impacts to low income or minority populations against benefits and mitigation measures that directly address the impacts, as well as overall project benefits.

Basis for finding of disproportionately high and adverse effect in SDEIS

The NEPA process allows for the consideration of new information between the draft and final documents. The fact that WSDOT has issued a SDEIS with one conclusion does not preclude our agency from revisiting that conclusion -- in fact, it is required. We have taken a hard look at current facts and the assumptions that were made in the SDEIS. The disproportionately high and adverse effect environmental justice determination in the SDEIS was based on the following facts and assumptions:

1. There are low-income populations using the SR 520 bridge. In 2008, we conducted a telephone survey and focus groups as part of the SDEIS analysis: 71 of the telephone survey respondents and four focus group participants qualified as low income according to federal poverty guidelines.¹ Although it was not possible for us to determine what proportion of SR 520 users are low-income or exactly where they live, we were able to make some inferences using 2000 U.S. Census data and videotaped license plates of SR 520 users collected by WSDOT in 2008. Attached to this memo is a demographic analysis of the SR 520 travelshed. The dots on the map represent the home addresses of registered owners for vehicles that were videotaped crossing the SR 520 bridge in May 2008. The shading on the map represents the percentage of residents in each block group

¹ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009).

with household incomes at or below the federal poverty level, according to data from the 2000 U.S. Census. We were able to estimate where there are higher concentrations of low-income SR 520 users by looking for places on the map where there is both darker shading (higher concentrations of low-income residents) and more dots (higher concentrations of SR 520 users). Based on this demographic analysis, we concluded that there are some low-income users of SR 520, and they are likely to come from the following neighborhoods:

- a. Neighborhoods along SR 522 (North Seattle, Lake City); the Totem Lake area in Kirkland
- b. Bothell where I-405 intersects with SR 522
- c. The Bellevue neighborhoods of South Bellevue and Eastgate
- d. The Seattle neighborhoods of Greenwood, Northgate, Ballard, Fremont, the University District², First Hill, and downtown Seattle.

We also know that there are pockets of low-income populations throughout the travelshed, including Avondale Road in Redmond and Crossroads in Bellevue.

2. The toll would present a disproportionate financial burden to some low-income populations: car-dependent populations or populations living or working in areas without adequate transit service.
3. Unlike other transportation facilities where a toll has been implemented on a previously free route, the SDEIS analysis concluded that transit service (as it was understood at the time) would not be a viable alternative to paying the toll. Low-income SR 520 users who participated in the 2008 survey conducted for this project indicated that the current transit service was too infrequent or too far from where they lived or worked. Furthermore, the survey found that low-income SR 520 users did not use transit service on SR 520 at a higher rate than the general population.³
4. I-90 and SR 522 are un-tolled routes across or around Lake Washington. The SDEIS analysis concluded that I-90 and SR 522 were not viewed by low-income SR 520 users who participated in the survey as reasonable non-tolled alternative to SR 520. According to the survey, low-income SR 520 users indicated that non-tolled routes would add substantial time, distance, and cost to their trip.^{4 5}

² The University District has several low-income and subsidized housing units, as well as social service agencies that serve low-income populations. However, it is likely that some low income residents of the University District are University of Washington students. The U.S. Census questionnaire takes information about every person living in a given household, regardless of whether or not they are a temporary resident. According to Census rules, people should be counted at a residence if they live or stay at the residence most of the time; stayed there on April 1, 2000 and had no permanent place to live; and stay at the residence more time than any other place they might live or stay.

³ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 9, p. 13.

⁴ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 13.

5. The SDEIS identified sufficient mitigation to avoid or minimize many of the adverse effects on low-income populations. However, it did not include mitigation that avoids or minimizes the financial burden that tolls would present to car-dependent low-income populations because such mitigation was beyond the scope of the project. For the same reason, the SDEIS did not include mitigation strategies to expand the availability or frequency of transit service for low-income populations. Finally, the SDEIS noted that low-income bridge users raised a concern that commuter transit options may not meet their off-peak work hours; however, there was no analysis of the benefit from variable tolling in terms of reduced toll prices.

THE UPDATED ANALYSIS: New information and changed conditions about options for avoiding the toll

There are a number of ways in which motorists can avoid the toll including:

- Using public transportation.
- Using an alternate route that is not tolled.
- Forming a carpool with two or more additional passengers. Vehicles with three or more occupants can cross the bridge for free.
- Forming a vanpool. Vanpools can cross the bridge for free.
- Using the bridge between 11 pm and 5 am, when there are no tolls on the SR 520 bridge. The Appendix contains a table that shows the time of day low-income respondents to the telephone survey tended to travel the SR 520 bridge.

In advance of early tolling on the SR 520 bridge in Spring 2011, WSDOT and its regional partners have made a number of investments to improve the availability of these options to avoid toll and these changes constitute a baseline as to the project's EJ effect. The following section describes these improvements and changed conditions, all of which will be in place in advance of a toll on the SR 520 bridge. This information was not available at the time of publication of the SDEIS and therefore was not part of the previous evaluation.

1. The Urban Partnership Agreement (UPA) Lake Washington Congestion Management Project is a series of projects to help address congestion and increase safety on SR 520 and I-90 in the Seattle area. The UPA is a cooperative agreement between WSDOT, King County Metro, and the Puget Sound Regional Council. As part of this project, WSDOT is implementing tolls on the SR 520 bridge starting spring 2011 and King County Metro is improving bus service along the SR 520 corridor in anticipation of the tolls. At the

⁵ While the SDEIS didn't go into detail about the likelihood of tolling the other routes, (according to Transportation 2040) the I-90 Bridge could be fully tolled from Seattle to Mercer Island to ensure balanced operations when the SR 520 bridge tolling begins, with a one-lane HOT system from Mercer Island to Issaquah in the mid-term. In the mid-term future SR 522 will be fully tolled to help fund widening and interchange improvements from Paradise Lake Road to US 2. In the longer term, SR 522 would be fully tolled on its entire length north of I-405.

time of publication of the SDEIS, there were no specific plans for which routes would be improved. Since then, the plan has been developed and adopted. The following is a summary of relevant service improvements.

King County Metro Transit and Sound Transit have committed local funding to making service improvements on routes that serve some neighborhoods with higher concentrations of low-income populations in advance of tolling on the SR 520 bridge in Spring 2011, including:

- a. King County Metro Transit route 255: This is all day service from the Totem Lake area in Kirkland across SR 520 to downtown Seattle. Starting in **October 2010**, route 255 extended morning and afternoon weekday trips from Kirkland Transit Center to Totem Lake Transit Center. Starting in **February 2011**, Route 255 will improve weekday service frequencies by 10 to 30 minutes. Route 255 service from Totem Lake to downtown Seattle begins at approximately 4:30 am and ends at 10:30 pm. Return service begins at approximately 5:25 am and ends at midnight. These improvements will provide better access and more frequent service for low-income people living in the Totem Lake area of Kirkland.
- b. King County Metro Transit route 265: This is a commuter route that operates during peak periods from Redmond to Downtown Seattle. Starting in **October 2010**, route 265 extended from Downtown Seattle to First Hill in Seattle. However, because route 265 provides only PM peak period service from First Hill, these improvements will have a negligible benefit to low-income residents in First Hill.
- c. King County Metro Transit route 271: This is all-day service from the Eastgate Park and Ride in Bellevue to the University District in Seattle via Bellevue Transit Center. Starting in **October 2010**, Eastgate-University District weekday service began running every 10-30 minutes until 6:00 pm. Route 271 also extended its 30 minute headway service later into the evening on weekdays. Service from the University District to Eastgate begins at approximately 5:30 am and ends at 10:20 pm, with return service beginning at 5:45 am and ending at 10 pm. This improvement will provide more frequent cross-lake travel for low-income residents living in the University District.
- d. King County Metro Transit route 311: This is a commuter route that operates during peak periods on weekdays. Starting in **February 2011**, route 311 will have three new morning and three new afternoon trips between Woodinville on the eastside of Lake Washington and Downtown Seattle, which will provide low-income people living in the Duvall area with service every 15 minutes during the peak periods. Service from Duvall to Downtown Seattle begins at 4:51 am and ends at 7:17 am. Return service begins at 3:15 pm and ends at 6:15 pm. There are six outbound trips from Duvall to Seattle and six return trips, so these route improvements have limited benefits for low-income people who work non-peak hours (such as service or shift workers).

- e. Sound Transit route 542: This is a new commuter route that started in **October 2010** and provides two-way weekday service with 15-minute frequency during peak periods from Redmond to the University District. Service begins from the University District to Redmond at approximately 6:30 am and runs every 15 minutes until 10 am; it starts up again at 2:30 and runs every 15 minutes until 6 pm. Return service begins at 5:30 am and runs every 15 minutes until 9 am; it starts up again at 3:30 pm and runs every 15 minutes until 7 pm. This improvement will provide more frequent cross-lake service for low-income people living in the University District. Because route 542 does not provide all day service, these route improvements have does not have complete transportation coverage limited benefits for low-income people who work non-peak hours.
- f. Park and ride lots provide essential connections to transit for car-dependent residents on the east side. The appendix contains a table that shows the park-and-ride lots served by routes that cross the SR 520 bridge and the number of free parking spaces available at each lot.

These transit improvements address the issue of transit frequency and hence the ability to avoid the toll for many people living in neighborhoods with low-income populations in the SR 520 travelshed. However, we recognize that these improvements may have limited benefit for some low-income populations adversely affected by the toll (i.e., low income populations that must use their own car, don't have ability to access transit routes, or have to travel during non-peak hours, etc).⁶ Many of the improvements are on commuter routes rather than all-day routes; therefore these improvements do not expand travel options for low-income people who need to travel during non-peak hours. However, tolls are less or non-existent during non-peak hours.

- 2. Vanpools, carpools and ridesharing also allow a low-income person to avoid the toll. WSDOT has been conducting extensive outreach to community-based social service agencies that serve low-income residents of the SR 520 travelshed. The purpose of the outreach is to update these agencies about the tolling and train them on how to help their staff and clients access affordable alternatives to paying the toll, including vanpools and ridesharing. In May 2010, the toll division began meeting with and presenting to community-based organizations throughout the SR 520 travelshed to provide them with information about tolling that they can share with their clients. This includes information about transit improvements; vanpool opportunities; RideShare Online, which facilitates

⁶ Since these improvements include only one new route (ST 542), there are still areas of the SR 520 travelshed that do not have adequate transit service, including Bothell where I-405 intersects with SR 522 and the Seattle neighborhoods of Greenwood, Northgate, Ballard, and Fremont. There are also suburban and rural parts of the SR 520 travelshed, primarily in the northeastern portion where there is limited or no transit. Therefore, these improvements do not help low-income users who indicated that transit is too far from where they live or work.

ride-matching for people who would like to avoid the toll by carpooling with two or more other people; and how to purchase and reload a transponder with an electronic benefits transfer (EBT) card. Starting in January 2011, WSDOT will be delivering trainings with social workers to prepare them to work with clients on planning trips, identifying alternatives to driving alone and paying the toll, and setting up their transponder accounts.

3. Under the WSDOT Vanpool Investment Program (VIP), there will be a number of new vanpools in service. Vanpools are currently available on a first-come, first-served basis for a monthly rate that covers gas, maintenance, and insurance. Parking and tolls for vanpools are generally free. The rate varies, depending on the size of the van, number of trips per week, and distance traveled per trip. For example, the monthly rate for a 7-10 passenger van traveling up to 20 miles roundtrip five days a week would be \$380 (\$38-\$54 per person/month). Individuals who wish to form a vanpool must do the following: assemble a group of four or more people, choose a driver, and complete an application. The toll division has been promoting vanpools to community-based social service agencies as an affordable alternative to paying the toll for their staff and clients.
4. Since publication of the SDEIS, the WSDOT toll division has clarified electronic tolling, including the surcharges associated with using alternatives to the Good to Go!TM transponder to pay the toll. At the time of publication of the SDEIS, the WSDOT toll division had determined that bridge users would be able to purchase a transponder and set up an account with WSDOT to pay the toll, or have their license plate automatically photographed and receive by mail a bill for the toll with a surcharge added.⁷ WSDOT has since determined the surcharge, described in the following table:

Weekdays	Good to Go! TM Pass	Pay By Plate (Drivers can set up a pre-paid license plate account in advance of crossing the bridge)	Customer-Initiated Payment (Drivers pay the toll by calling, going online, or visiting a customer service center within 72 hours of crossing the SR 520 bridge)	Pay By Mail (Owners of registered vehicles crossing without other payment methods will receive bill by mail)
11 pm to 5 am	0.00	0.00	0.00	0.00
5 am to 6 am	\$1.60	\$1.85	\$2.60	\$3.10
6 am to 7 am	\$2.80	\$3.05	\$3.80	\$4.30
7 am to 9 am	\$3.50	\$3.75	\$4.50	\$5.00

⁷ The FEIS will discuss the mitigation measures that were discussed in the SDEIS such as ways for low income individuals to purchase a "good to go" pass so that their toll rate can be cheaper than with other payment options.

Weekdays	Good to Go!™ Pass	Pay By Plate (Drivers can set up a pre-paid license plate account in advance of crossing the bridge)	Customer-Initiated Payment (Drivers pay the toll by calling, going online, or visiting a customer service center within 72 hours of crossing the SR 520 bridge)	Pay By Mail (Owners of registered vehicles crossing without other payment methods will receive bill by mail)
9 am to 10 am	\$2.80	\$3.05	\$3.80	\$4.30
10 am to 2 pm	\$2.25	\$2.50	\$3.25	\$3.75
2 pm to 3 pm	\$2.80	\$3.05	\$3.80	\$4.30
3 pm to 6 pm	\$3.50	\$3.75	\$4.50	\$5.00
6 pm to 7 pm	\$2.80	\$3.05	\$3.80	\$4.30
7 pm to 9 pm	\$2.25	\$2.50	\$3.25	\$3.75
9 pm to 11 pm	\$1.60	\$1.85	\$2.60	\$3.10

Source: SR 520, I-5 to Medina Bridge Replacement and HOV Project Transportation Analysis

5. The WSDOT Public Transportation Division has funds to pilot an online ridesharing application that will allow clients of community-based social service agencies to ridematch with fellow clients. In 2011, WSDOT will be partnering with King County Metro Transit and a community-based social service organization to demonstrate this tool. If the pilot is successful, the tool may be disseminated to other community-based social service agencies throughout the SR 520 travelshed and beyond.

6. In 2009, the Washington State Legislature directed WSDOT to conduct a carpool pilot project on the SR 520 corridor in King County. WSDOT selected Avego Corp. to test their Shared Transport system. It will help manage congestion on SR 520 by working in tandem with other traffic tools and strategies, including RideshareOnline.com, tolling, Smarter Highways, commute trip reduction, vanpooling, incident response, transit and more. The pilot project will provide a detailed evaluation of this approach, including its costs and benefits, to help policy makers determine how it compares to other demand management programs and whether it should be used in other major corridors in Washington. A final report is due to the Legislature in June 2011 on the pilot study. Analysts have not conducted an assessment of the potential benefits of this pilot project to low-income SR 520 users.

The FEIS will disclose that there are more affordable alternatives to paying the toll than was shown in the prior analysis.

Benefits of SR 520 project to all SR 520 users, including low income populations

The completed project will include four general-purpose lanes and two HOV lanes, providing increased mobility and reliability for transit, carpools, and general-purpose vehicles. In addition, wider shoulders and improved curves will create greater safety and improved reliability. These

improvements should translate to faster speeds and better trip reliability and predictability for all drivers and transit users, including low-income and minority populations.

As stated earlier, overall project benefits should be considered when determining whether there is a disproportionately high and adverse effect. This section describes those benefits.⁸

Traffic analysts expect reductions in vehicle volumes across the Evergreen Point Bridge as a result of the tolls because some drivers would choose not to pay the toll to drive alone across the bridge. Instead, they would take alternate routes, form a carpool with three or more passengers in the vehicle, use transit, or forgo the trip altogether. Coupled with improved traffic operations on the replacement bridge because of more lanes, wider shoulders, and better operating ramps, this should translate to faster speeds and better trip reliability and predictability for drivers and transit users, including low-income and minorities. Individuals in lower paying jobs often do not have flexibility in work hours, union representation, or hold senior positions at their place of employment. Predictable travel times in some ways may benefit low income users more than high income users. For example, if a low income user is late for work he or she may likely be fired or reprimanded than those with more senior jobs or safeguards (such as employment contracts). Likewise, many professional or higher income jobs are salaried positions not hourly.

As we noted earlier, the 2008 interviews and focus groups confirmed that many low-income drivers consider a faster, more reliable trip across Lake Washington to be worth the cost of a toll. Two of the four low-income focus group participants and five of the six Spanish-language interview participants indicated that they would be willing to pay a toll for a faster, more reliable trip.⁹ According to the telephone survey, 42 percent of low-income survey respondents indicated that a \$3.50 toll would be worth it for a faster, more reliable trip.¹⁰ It appears that for many low-income users, the impact "cost" of delay is higher than the cost of the tolls.

Finally, one of the greatest benefits of the project is safety. The aging floating bridge is vulnerable to catastrophic failure. Replacing the bridge is essential to the safety of SR 520 users.

Recommended Approach

Based on the relevant information from the SDEIS and the information obtained to support this memo, the FEIS for the SR 520 Bridge Replacement and HOV Project will disclose that there is not a high and disproportionate adverse effect on low-income populations due to tolling. Factors that will be described in the FEIS are as follows:

⁸ Earlier iterations of this memorandum also summarized the regional efforts to improve mobility for low income people. This information will be included in the indirect and cumulative effects discussion in the updated discipline report.

⁹ "SR 520 Environmental Justice Focus Groups and Spanish Language Interviews Summary Report of Findings". Summary Report prepared by PRR for the Washington State Department of Transportation (January 19, 2009): p. 7

¹⁰ "SR 520 Environmental Justice Survey Final Report". Summary Report prepared by PRR for the Washington State Department of Transportation (January 20, 2009): p. 12.

- WSDOT has sufficient new information to revise the prior finding. WSDOT and FHWA will carefully document all of the efforts that will help reduce the impact on low income car-dependent users.
- We will disclose the negative financial burden on low-income populations. We will also show that there are new affordable alternatives to paying the toll – such as new transit improvements and times when there is a greatly reduced or no toll – that reduce the severity of the negative financial impact.
- There are general project benefits – including increased predictability and travel time savings – that offset negative financial impacts on low-income populations.

Appendices

1. SR 520 Travelshed Demographic Analysis
2. Table: Eastside Park-and-Ride Lots and their Capacity
3. Table: Average time of day low-income respondents to the telephone survey indicated that they travel the SR 520 bridge



City of Seattle
Seattle Parks and Recreation

August 5, 2010

**City of Seattle's Certification that the MOHAI Building Is Not of Local Significance
As Part of McCurdy Park**

I, Christopher Williams, Acting Superintendent of Parks and Recreation of The City of Seattle, am authorized to certify whether the MOHAI building is of local significance as part of McCurdy Park and the "green haven" McCurdy Park provides to citizens of the City of Seattle and Washington State.

The City of Seattle has concluded that because the MOHAI building does not provide the "green haven" protected by Section 4(f), it is not of local significance as part of McCurdy Park. Although MOHAI is located within McCurdy Park, the two are not interdependent. The museum will remain a museum regardless of where it is located. If the museum is relocated, McCurdy Park will fully retain its park purposes: to provide green space, scenic viewpoints, a location for specimen plantings, and access to East Montlake Park.

Accordingly, the City of Seattle has concluded that while MOHAI provides an important resource to the citizens of the City of Seattle and the State of Washington, the MOHAI building is not of local significance as part of McCurdy Park and the "green haven" that McCurdy Park provides.

Christopher Williams, Acting Superintendent
Seattle Parks and Recreation

Christopher Williams, Acting Superintendent
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Creating community through people, parks, and programs



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June 2, 2010

HEV-WA/570

Ms. Paula J. Hammond
Secretary of Transportation
Department of Transportation
Olympia, Washington

Attention: Megan White

Environmental Justice and Tolling

Dear Ms. Hammond:

We were asked by the Environmental Services Office to provide some guidance on how to address Environmental Justice (EJ) where tolling is being considered. There is a lot of information nationally about EJ and High Occupancy Toll (HOT) lanes, but there was little information that was helpful in addressing situations where all the lanes of a facility were proposed to be tolled. Therefore, we requested an analysis by our legal counsel (see the enclosed memorandum).

The legal analysis supports the conclusion both the FHWA Washington Division and the Washington State Department of Transportation (WSDOT) reached in the State Route (SR) 520 Bridge Replacement Supplemental Draft Environmental Impact Statement (SDEIS) that tolling the SR 520 Bridge will constitute a high and adverse disproportionate impact on the low-income population. The primary basis for this determination is found in the US DOT Order 5610.2 which defines a disproportionate impact as one that is “appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.” This means that since a toll on a facility where all lanes are proposed to be tolled will be a greater economic impact on a low-income population, it constitutes a disproportionate effect on that population.

As a result, we will need to process the reevaluation we’ve reviewed in draft for the Urban Partnership SR 520 Variable Tolling Project Environmental Assessment (EA), since the EA concluded there was not a disproportionate impact. We also will need to ensure that other projects considering tolling on a facility where all the lanes are proposed to be tolled address the potential for greater impact on the low-income population. This does not mean that tolling cannot be implemented on such a facility; it means that the impact must be disclosed, and any



mitigation being considered should be discussed in the environmental document. In the case of the SR 520 Bridge Replacement SDEIS, the mitigation to ensure that low-income people could obtain transponders through several means was considered sufficient. The overall determination of whether the project has a disproportionate effect on minority and low-income populations will take into account all the impacts and benefits of the project on these populations, not just the impacts of tolling. In the case of the SR 520 SDEIS, the other project benefits did not provide disproportionate benefits to the population.

If you have any questions about this determination, please contact Sharon Love at 360-753-9558 or Jodi Petersen at 360-534-9325.

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Mathis". The signature is written in a cursive style with a large, prominent 'D' and 'M'.

DANIEL M. MATHIS, P.E.
Division Administrator

Enclosure



Memorandum

U.S. Department
of Transportation
Federal Highway
Administration

WESTERN LEGAL SERVICES
201 Mission, Suite 2100
San Francisco, CA 94105
(415) 744-8272

Subject: Environmental Justice and Bridge Tolls
From: Acting Assistant Chief Counsel
To: Dan Mathis (HDA-WA)
Division Administrator

Date: March 29, 2010
Reply to
Attn. of: HCC-WE

**THIS DOCUMENT IS AN ATTORNEY-CLIENT DOCUMENTS AND/OR AN
ATTORNEY CLIENT WORK PRODUCT DOCUMENT.**

As you requested, I researched the issue of how the Executive Order 12898 (hereinafter the E.O.) and the two DOT Orders on Environmental Justice (EJ) should be applied to a bridge that either increases a toll or imposes a new toll where one was not there before.

For our purposes, the heart of the E.O. is in the following implementation section:

Section 1-1. Implementation.

Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

In breaking down the language in this section, for purposes of this memorandum, the important language is whether our project has a "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations..."

The EO has some of its history based in Title VI of the Civil Rights Act. Section 601 of Title VI, 42 U.S.C. § 2000d, provides:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

To be successful in bringing a suit under section 601 one must show intentional discrimination. See Alexander v. Choate, 469 U.S. 287, 293, (1985). The EO does not

require any such intent.

However, under Section 602 of Title VI, which directs and authorizes federal agencies to effectuate the provisions of Section 601, authorizes federal agencies to promulgate regulations prohibiting actions which have a "disparate impact" on minorities provides for actions not based on intentional discrimination. To show disparate impact under this section 602, Title VI requires "a reliable indicator of disparate impact" and "an appropriate statistical measure" that takes into account all relevant bases of comparison" or the case will be dismissed. New York Urban League, Inc. v. State of New York, 71 F.3d 1031, 1038 (2d Cir.1995). Again, this requires more evidence and specificity than the EO would require.

As there is no right for an aggrieved party to use the EO to sue FHWA, there is no caselaw on it outside NEPA and Title VI cases. Nevertheless, we are still fully bound to implement the EO as well as DOT Orders 5610.2 and 6640.23. DOT Order 6640.23 is called *FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

In this Order's definitions' section, the term Disproportionately High and Adverse Effect on Minority and Low-Income Populations means an adverse effect that:

- (1) is predominately borne by a minority population and/or a low-income population; or
 - (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non low- income population.
- Sec. 2.g.

Likewise, this Order defines Minority Population as "any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity. Moreover, the Order defines Low-Income Population means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity.

The first step in any EJ analysis is determining whether there is a low income or minority population. If neither of these populations are present, then the inquiry stops there from an EO standpoint although impacts must still be addressed under the National Environmental Policy Act (NEPA).

If however, there is a low income or minority population, then the next step is whether there is a Disproportionately High and Adverse Effect. If the toll is affecting a cross section of society, then using the first definition of Disproportionately High and Adverse

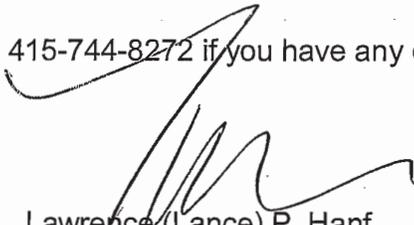
Effect: *predominately borne by a minority population and/or a low-income population*, there is no EJ "violation."

However, the U.S. Department of Transportation has gone a step farther, and has created a second definition: "impacts on EJ populations that are appreciably more severe or **greater in magnitude** than the adverse effect on non-EJ populations." Emphasis added. Almost by definition, as a toll has an economic impact greater in magnitude on lower income populations than higher income populations, a toll would create a *Disproportionately High and Adverse Effect* on that low income population. This would not necessary be true for minority populations unless then are also low income.

Once this is determined, section 5.d. in the Order on Actions to Address Disproportionately High and Adverse Effects states: "FHWA managers and staff will ensure that the programs, policies, and activities that will have disproportionately high and adverse effects on minority populations or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account." In other words, there is still room to choose the alternative with Disproportionately High and Adverse Effects, but there need to be mitigation, if practicable. What is practicable is a term that needs be evaluation by the facts at hand.

In conclusion, given the very broad definition of what a disproportionately high and adverse effect is, having a new or increased toll would seem to be that type of effect if there is a low income population present.

I hope this helps and please call me at 415-744-8272 if you have any questions.



Lawrence (Lance) P. Hanf



U.S. Department
of Transportation
**Federal Highway
Administration**

Washington Division

Suite 501 Evergreen Plaza
711 South Capitol Way
Olympia, Washington 98501-1284
(360) 753-9480
(360) 753-9889 (FAX)
<http://www.fhwa.dot.gov/wadiv>

April 29, 2010

HMP-WA/WA 649

Ms. Paula J. Hammond
Secretary of Transportation
Department of Transportation
Olympia, Washington

Attention: Megan White

**Preferred Alternative for SR 520, I-5 to
Medina: Bridge Replacement and HOV
Project**

Dear Ms. Hammond:

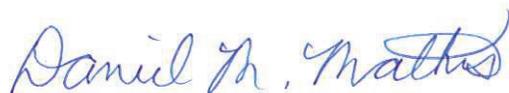
This letter is in response to your correspondence of April 26, 2010, requesting FHWA's concurrence on WSDOT's preferred alternative for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Based on the information provided in your letter and the supporting documentation, FHWA concurs.

The SR 520, I-5 to Medina project is a key component of the region's transportation infrastructure, replacing vulnerable bridges while providing transit benefits through completion of the regional HOV system. We appreciate the extensive work that WSDOT has done to engage agencies, tribes, and the public in the decision-making process, and to refine the project design in consideration of comments on both the Draft Environmental Impact Statement (DEIS) and the Supplemental DEIS (SDEIS). The preferred alternative WSDOT has identified will provide immediate safety, mobility, and community benefits while facilitating the future development of high-capacity transit by regional transit agencies. While FHWA recognizes that further design refinements may evolve through the various work groups mandated by the legislature, our understanding to date indicates that these refinements will remain within the scope of the SDEIS options, and in many cases will further reduce impacts from those disclosed in that document. We encourage adherence to WSDOT Design Manual guidelines throughout the design refinement process between now and the Final EIS. Finally, FHWA supports involving neighborhood and civic groups in the refinement of the design.



Now that the preferred alternative has been identified, more work remains to be done. We look forward to continued partnership with WSDOT in completing the Final EIS and providing guidance on other regulatory requirements, such as Section 4(f). We also stand ready to provide support as necessary in ongoing coordination with resource agencies, tribal governments, and local jurisdictions. Through these efforts, the SR 520, I-5 to Medina project will facilitate the safe, efficient movement of people and goods through the SR 520 corridor for many years to come.

Sincerely,

A handwritten signature in blue ink that reads "Daniel M. Mathis". The signature is written in a cursive style with a large initial 'D' and 'M'.

DANIEL M. MATHIS, P.E.
Division Administrator

Cc: Randy Everett, FHWA
Dave Dye, WSDOT
Julie Meredith, WSDOT



Washington State
Department of Transportation
Paula J. Hammond, P.E.
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
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360-705-7000
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April 26, 2010

Mr. Daniel Mathis
Federal Highway Administration
Washington Division Administrator
711 S. Capitol Way, Suite 501
Olympia, Washington 98501

Re: Preferred Alternative for SR 520, I-5 to Medina: Bridge Replacement and HOV Project

Dear Mr. Mathis:

The purpose of this letter is to request FHWA's acceptance of the Washington State Department of Transportation (WSDOT) preferred alternative for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. The project will improve safety and mobility in the SR 520 corridor by replacing the vulnerable Evergreen Point, Portage Bay, and West Approach bridges and improving the SR 520 mainline from I-5 in Seattle to Evergreen Point Road in Medina. The WSDOT recommendation is based upon over 10 years of environmental analysis; extensive consultation with affected communities, resource agencies, jurisdictions, and tribes; and consideration of more than 2000 comments on the Draft and Supplemental Draft Environmental Impact Statements (EIS).

Planning for the SR 520 corridor began in 1998 with the work of the Trans-Lake Washington Study Committee. This 47-member stakeholder group evaluated a broad range of potential modes and routes for crossing Lake Washington. The concepts considered included new project corridors; different crossing methods, such as tubes and tunnels; new travel modes, such as ferries and rail; and travel demand management (TDM) through tolling and/or land use changes. These concepts were screened, and the most promising combined into "solution sets." The solution sets helped to inform the alternatives subsequently studied under the National Environmental Policy Act (NEPA) and in accordance with the State Environmental Policy Act (SEPA).

Scoping for the project was initiated in January 2000, with FHWA, Federal Transit Administration (FTA), WSDOT, and Sound Transit as co-lead agencies. Following scoping, the co-leads developed and screened a wide range of highway, transit, and TDM solutions, then combined these solutions into seven alternatives representing a mix of modes. These alternatives were then screened for mobility, environmental effects, and cost. Ultimately, a regional decision was made that the initial high-capacity transit crossing of Lake Washington would be on I-90, but that SR 520 improvements would provide the ability to add High Capacity Transit (HCT) in

the future. This decision was formalized in Sound Transit's Long Range Plan update in 2005 and their ST2 plan in 2008.

Based on the screening results, three SR 520 build alternatives were carried forward for evaluation in the Draft EIS: 4-Lane, 6-Lane, and 8-Lane. In 2005, WSDOT responded to the concerns of neighborhoods adjacent to the highway by developing several "design options" to the 6-Lane Alternative that would reduce SR 520's footprint and/or enhance its benefits in the Montlake interchange area. These design options were also evaluated in the Draft EIS. The 8-Lane Alternative was eventually dropped from further analysis because it provided no greater mobility benefits than the 6-lane, and had more environmental impacts and would have required extensive investments in improvements on I-5 and I-405. The Draft EIS concluded that the 4-Lane Alternative did not meet the project purpose and need because it failed to provide appreciably greater mobility benefits than the No Build Alternative.

Following publication of the Draft EIS, in a report entitled *A Path Forward to Action*, Governor Christine Gregoire identified the 6-Lane Alternative as the state's preference for the SR 520 corridor. However, the report recognized that controversy still existed among the public, agencies, jurisdictions, and tribes about the optimum design configuration for the Montlake area. The Governor's report concluded that "The impacted communities on the west end of the project need to determine what design from Union Bay and westward to I-5 will best serve the neighborhoods, the University of Washington, and parks and natural resources."

In 2007, responding to the Governor's request, the State Legislature initiated the SR 520 mediation process. Managed by the Governor's Office, the 37-member mediation group included members of affected communities as well as representatives of local jurisdictions, the business community, and advocacy groups. Between November 2007 and December 2008, the mediation group developed six-lane design options that focused on the Montlake interchange, west approach, and Portage Bay Bridge areas. The group's final report recommended further evaluation of Design Options A, K, and L. WSDOT committed to evaluate these design options in a Supplemental Draft EIS, which was published in January 2010.

Following the mediation process, the State Legislature formed the SR 520 Legislative Workgroup to recommend a preferred design option to the full Legislature and Governor. In late 2009, the work group recommended "Option A+," a variation of Option A which included a new interchange at Montlake Boulevard, ramps at Lake Washington Boulevard, transit/HOV direct-access ramps, a second bascule bridge over the Montlake Cut, and six general-purpose lanes plus a westbound auxiliary lane on the Portage Bay Bridge. The work group's recommendation was included in the Supplemental Draft EIS, which fully evaluated this design option.

WSDOT has conducted agency coordination and public outreach on a regular basis since scoping began in 2000. Resource agencies, jurisdictions, and tribal staff have been engaged in a Resource Agency Coordination process (RACp) and associated technical working groups since 2007, and prior to that time participated in the project's Technical Advisory Committee. WSDOT has coordinated individually with all affected tribal nations to provide project information and solicit feedback and concerns. WSDOT has also consulted directly with tribes on natural resource

issues, such as potential impacts to tribal treaty fishing, and on cultural resource issues. Public engagement has encompassed more than 30 hearings, open houses, and drop-in events, over 20

community design workshops, and over 100 community group meetings. Project information has been disseminated by newsletters, e-mail updates, community and agency briefings, and an

extensive web site. During the public comment period on the Draft EIS, WSDOT received a total of 1,734 comments; during the public comment period on the Supplemental Draft EIS, 414 comments were received. WSDOT has considered all public, agency, and tribal input carefully in coming to its decision.

Based on our analysis of environmental impacts and public comments, WSDOT has identified its preferred alternative. This configuration (described in more detail in the Information Sheet attached to this letter) includes a six-lane corridor, a pedestrian and bicycle friendly urban interchange integrated with a lid at Montlake Boulevard, and a second bascule bridge across the Montlake Cut. It eliminates dedicated on- and off-ramps to Lake Washington Boulevard, allowing instead for potential managed access to Lake Washington Boulevard via the direct-access ramps. It reduces the profile of the Evergreen Point floating bridge compared to the Supplemental Draft EIS, and optimizes traffic flow by using a 6-lane Portage Bay Bridge with a managed westbound shoulder during peak periods. In anticipation of future needs, the Preferred 6-Lane Alternative provides for near-term implementation of bus rapid transit (BRT) as well as including design features that enable future long-term development of light rail transit (LRT).

As described in the attachment, all components of the preferred alternative were evaluated in the SDEIS. Although details of the design may be further refined as WSDOT works with the City of Seattle and other agencies and stakeholders under the requirements of ESHB 6392, these refinements are expected to remain within the scope of the impacts analyzed in the SDEIS. They will likely focus on design characteristics of the Montlake interchange, management of access to and from Lake Washington Boulevard, construction phasing of the second bascule bridge, bicycle and pedestrian connections in the Montlake Triangle area, and traffic reduction measures to benefit the Washington Park Arboretum.

In identifying the preferred alternative, WSDOT considered the following advantages of this design compared to others that were evaluated in the Supplemental Draft EIS:

- Minimize wetland and buffer fill.
- Minimize aquatic habitat fill.
- Minimize park land acquisition.
- Lowest greenhouse gas emissions.
- Least amount of new impervious surface.
- Best transit connectivity.
- Supported by six Seattle neighborhood groups, King County Metro, University of Washington, Seattle City Council, and Seattle Chamber of Commerce.
- Recommended by the SR 520 Legislative Workgroup.
- Only design option within the mandated \$4.65 billion budget.

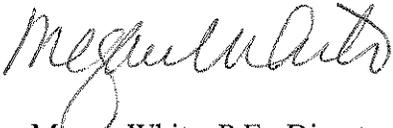
Mr. Daniel Mathis

April 26, 2010

Page 4

FHWA's partnership and guidance have been extremely helpful in the development of this project. Based on the factors noted above and others that are detailed in the attached information sheet, we request FHWA's formal concurrence on the selection of the preferred alternative. Please feel free to contact me if you have any questions or need additional information to facilitate your response.

Sincerely,



Megan White, P.E., Director
Environmental Services Office

MW:pf

cc: Paula Hammond, WSDOT, w/enclosure
Dave Dye, WSDOT, w/ enclosure
Julie Meredith, WSDOT, w/ enclosure
Randy Everett, FHWA, w/ enclosure

Preferred Alternative Information Sheet

Request from: Washington State Department of Transportation

Project Name: SR 520: I-5 to Medina Bridge Replacement and HOV Project

NEPA Document: EIS

Type of Request: Acceptance of preferred alternative

Date of request: April 26, 2010

1. What is the State's preferred alternative?

Based on our analysis of environmental impacts and public comments, WSDOT has identified its preferred alternative. This configuration includes:

- A pedestrian-friendly urban interchange integrated with a lid from Montlake Boulevard to east of 24th Avenue East.
- A design that provides for near-term implementation of bus rapid transit (BRT) and includes design features that enable future development of light rail transit (LRT).
- Westbound off-ramps and direct-access transit/HOV ramps consolidated on the north side of the Montlake lid to maximize open space and pedestrian/bicycle connections.
- A second bascule bridge that provides expanded pedestrian/bicycle facilities across the Montlake Cut.
- Transit/HOV lanes and transit priority signaling on Montlake Boulevard.
- Bus stops on the Montlake lid to facilitate access between the neighborhoods and the Eastside.
- A six-lane Portage Bay Bridge with a managed westbound shoulder to provide additional capacity during peak periods.
- Transit/HOV direct access ramps to Montlake Boulevard.
- Elimination of dedicated on- and off-ramps to Lake Washington Boulevard, instead allowing for potential managed access to Lake Washington Boulevard via the direct-access ramps.
- Innovative noise reduction techniques to enhance conventional noise mitigation.

All components of the preferred alternative were evaluated in the SDEIS. Although details of the design may be further refined as WSDOT works with the City of Seattle and other agencies and stakeholders under the requirements of ESHB 6392, these refinements are expected to remain within the scope of the SDEIS. They will likely focus on design characteristics of the Montlake interchange, management of access to and from Lake Washington Boulevard, construction phasing of the second bascule bridge, bicycle and pedestrian connections in the Montlake Triangle area, and traffic reduction measures to benefit the Washington Park Arboretum.

The attached graphics provide an overview of the preferred alternative. The response to question 3 below identifies specific features of the preferred alternative that respond to comments received on the Draft and Supplemental Draft EIS.

2. How has the state involved agencies, the tribes, and the public in decision making?

WSDOT has conducted agency and tribal coordination and public outreach on a regular basis since project scoping began in 2000. WSDOT has engaged resource agencies, cooperating agencies, and jurisdictions on project development through a Resource Agency Coordination process (RACp) and associated technical working groups since 2007, and prior to that time through the project's Technical Advisory Committee. This project resigned from the Signatory Agency Coordination process which retired in 2009, and it is not subject to the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users regulations. The RACp forum provided federal and state interagency and cooperating agency guidance.

WSDOT has also coordinated with tribes through the RACp and associated technical working groups to provide project information and solicit feedback and concerns. In addition, WSDOT has consulted individually with all affected tribal nations through staff meetings regarding natural and cultural resources issues.

Public involvement has ranged from attendance at open houses, accessibility of media and information and through participation in a mediation process. Public engagement has encompassed more than 30 hearings, open houses, and drop-in events, over 20 community design workshops, and over 100 community group meetings. Project information has been disseminated by newsletters, e-mail updates, community and agency briefings, and an extensive web site.

Other public processes have also factored into consideration of the preferred alternative. The SR 520 mediation process, initiated by the State Legislature in 2007 and managed by the Governor's Office, convened more than 30 project stakeholders who developed the concepts for the three design options studied in the SDEIS. Members of affected community groups took part in some 38 mediation-related meetings and contributed design ideas. Following the mediation process, the SR 520 Legislative Workgroup was formed to recommend a preferred design option to the full Legislature and Governor. Workgroup meetings were open to the public, and the group hosted an open house to collect public comment on their draft report in November 2009.

Agencies, tribes, and the public have had formal opportunities to provide comments on both the Draft EIS and Supplemental Draft EIS. During the public comment period on the Draft EIS, WSDOT received a total of 1,734 comments; during the public comment period on the SDEIS, 414 comments were received.

WSDOT has considered all public, agency, and tribal input carefully in coming to its decision.

3. How have comments on the Draft EIS been considered in the decision on the preferred alternative?

The Draft EIS evaluated 4-Lane, 6-Lane, and 8-Lane alternatives, as well as several design options to the 6-Lane Alternative. All of these alternatives and options have since been eliminated from further detailed study, either because they did not meet the project purpose and need or because their impacts were larger than those of the designs developed for the SDEIS. The 8-Lane Alternative was eventually dropped from further analysis because it provided no greater mobility benefits than the 6-Lane Alternative, but had more environmental impacts and would have required extensive investments in improvements on I-5 and I-405. The Draft EIS concluded that the 4-Lane Alternative did not meet the project purpose and need because it failed to provide appreciably greater mobility benefits than the No Build Alternative. The 6-Lane design options evaluated in the SDEIS were eliminated due to concerns regarding their impacts, based on comments following the Draft EIS release.

The 6-Lane design options evaluated in the SDEIS were developed with the intent of minimizing environmental impacts compared to those studied in the Draft EIS. This is largely as a result of design improvements made in response to public, tribal, and agency comment and input received between August 2006 (when the Draft EIS was released) and December 2008 (when the final report of the mediation group was published). The Preferred 6-Lane Alternative differs from the 6-Lane Alternative presented in the Draft EIS in the following ways:

- Typical six-lane section of SR 520 (measured on floating bridge) reduced from 133 feet to 115 feet.
- Width of Portage Bay Bridge at midpoint reduced from 154 feet to 105 feet.
- Width at Montlake shoreline reduced from 352 feet to 240 feet.
- Width across Foster Island reduced from 241 feet to 170 feet.

4. How were the components of the preferred alternative evaluated in the SDEIS?

As described above, the Preferred 6-Lane Alternative includes improvements that reduce effects on neighborhoods and the environment compared to the design options in the Draft EIS. While it was not analyzed as a single alternative in the SDEIS, each of its major components was included in one or more of the SDEIS design options, as described below:

- Interchange location at Montlake Boulevard: Evaluated in Option A.
- Lid at Montlake Boulevard: Evaluated under all design options.
- Transit/HOV direct-access at Montlake Boulevard: Evaluated under Option A and as a suboption to Option A.
- Second bascule bridge at Montlake: Evaluated in Option A.
- Access between SR 520 and Lake Washington Boulevard: Evaluated as a suboption to Option A.
- Six-lane Portage Bay Bridge with auxiliary lane function (now provided as a managed shoulder): Evaluated in Option A.
- Wider distance between westbound and eastbound mainline lanes on west approach: Evaluated (as part of a larger footprint) in Options K and L.

5. How have comments on the SDEIS been considered in the decision on the preferred alternative?

Following issuance of the SDEIS, WSDOT made additional refinements to the project design to address concerns that were raised during the comment period. These refinements will further reduce the impacts of the preferred alternative on the natural and built environment compared to the design options evaluated in the SDEIS. They include:

- A gap between the westbound and eastbound lanes of SR 520 from the floating bridge to the Montlake shoreline, which will accommodate a range of future configurations for light rail.
- A lower profile of the Evergreen Point floating bridge to minimize visual effects.
- A substantially larger lid at Montlake, with ramps and landscaping designed for improved bicycle and pedestrian access and use.
- A six-lane Portage Bay Bridge with a managed westbound shoulder to reduce bridge width while maintaining traffic flow during peak periods.
- An alignment that avoids the need to acquire buildings from the NOAA Northwest Fisheries Science Center south campus.

- Potential for reduced effects on the Foster Island presumed eligible traditional cultural property through minimization of ground-disturbing activities.
- Maintaining proposed pedestrian crossing and connectivity over I-5 by reducing the I-5 lid to a smaller, separate structure.

The Final EIS will fully evaluate the effects of design refinements that were not included in the SDEIS. As noted previously, these design refinements are expected to reduce impacts on the built and natural environment compared to the SDEIS options.

6. How does the design of the preferred alternative avoid and/or minimize environmental impacts?

In identifying the preferred alternative, WSDOT considered the following advantages of this design compared to others that were evaluated in the SDEIS:

- Minimize wetland and buffer fill.
- Minimize aquatic habitat fill.
- Minimize park land acquisition.
- Lowest greenhouse gas emissions.
- Least amount of new impervious surface.
- Best transit connectivity.

Based on comments received on the Draft EIS and SDEIS, WSDOT is also working proactively with regulatory agencies, tribes, jurisdictions, and other stakeholders to define mitigation measures. In addition, WSDOT is working with the City of Seattle, regional transit agencies, and the University of Washington, and Arboretum Botanical Garden Committee to identify additional ways to improve project design, especially for transit, pedestrians, bicyclists, and transit as required by ESHB 6392. The Final EIS will document these mitigation measures and design enhancements.

7. Are there any unavoidable adverse impacts?

Unavoidable adverse impacts documented in the SDEIS include:

- Removal of the existing Evergreen Point Bridge, which is eligible for the National Register of Historic Places and the Washington State Historic Register.
- Additional fill and shading in and over habitat in Portage Bay and Lake Washington.
- The visual effects of the wider roadway, larger structures, and potential noise walls.
- Effects on access to usual and accustomed treaty areas of the Muckleshoot Tribe.
- Construction on Foster Island, presumed to be an eligible traditional cultural property.

- Disruption from construction over a period of several years in some locations.

8. Are there areas of controversy regarding WSDOT’s preferred alternative?

Like most projects of its magnitude, the SR 520 I-5 to Medina Project has experienced controversy in several areas. WSDOT is actively working with agencies, elected officials, tribes, and members of the public to resolve these issues. The Final EIS will identify how each issue has been resolved. They include:

- Lack of consensus among Seattle neighborhoods on the preferred design option for the Montlake interchange area.
- Belief that light rail should be implemented at the time of project opening or soon thereafter.
- Disagreement on the optimum number of lanes for the SR 520 corridor between the floating bridge and I-5.
- Resource agency concerns with the low bridge profiles proposed through the west approach area.
- Tribal concerns related to usual and accustomed fishing areas, fish resources, aquatic habitat, and the potential to encounter cultural resources on Foster Island.

9. Do the investigations and analysis conducted this far support the assumption that all of the alternatives under consideration would comply with Federal requirements such as Section 404(b)(1) of the Clean Water Act, the Executive Order on Environmental Justice, etc.?

The preferred alternative WSDOT proposes is expected to comply with all federal requirements. Compliance with key requirements is described briefly below.

Section 404(b)(1) of the Clean Water Act: The Preferred 6-Lane Alternative requires less filling of wetlands and aquatic resources than the other alternatives and design options that meet the project purpose and need. We anticipate that it will be identified the least environmentally damaging practicable alternative (LEDPA) in the Corps of Engineers’ 404(b)(1) analysis.

Executive Order 12898 on Environmental Justice: All alternatives and options evaluated have equal potential to result in disproportionately severe and adverse effects on low-income populations and on tribal treaty rights of the Muckleshoot Indian Tribe. WSDOT is committed to developing mitigation measures that will help to offset these effects and will incorporate them into the FEIS and the Record of Decision. Section 4(f): The Draft Section 4(f) evaluation concludes that there are no feasible and prudent alternatives that avoid the use of Section 4(f) properties. In the absence of avoidance alternatives, the Preferred 6-Lane Alternative has the least Section 4(f) use, particularly since the design has been changed to avoid the NOAA Northwest Fisheries Science Center. WSDOT is

actively working with the agencies with jurisdiction to develop measures to minimize harm to Section 4(f) resources.

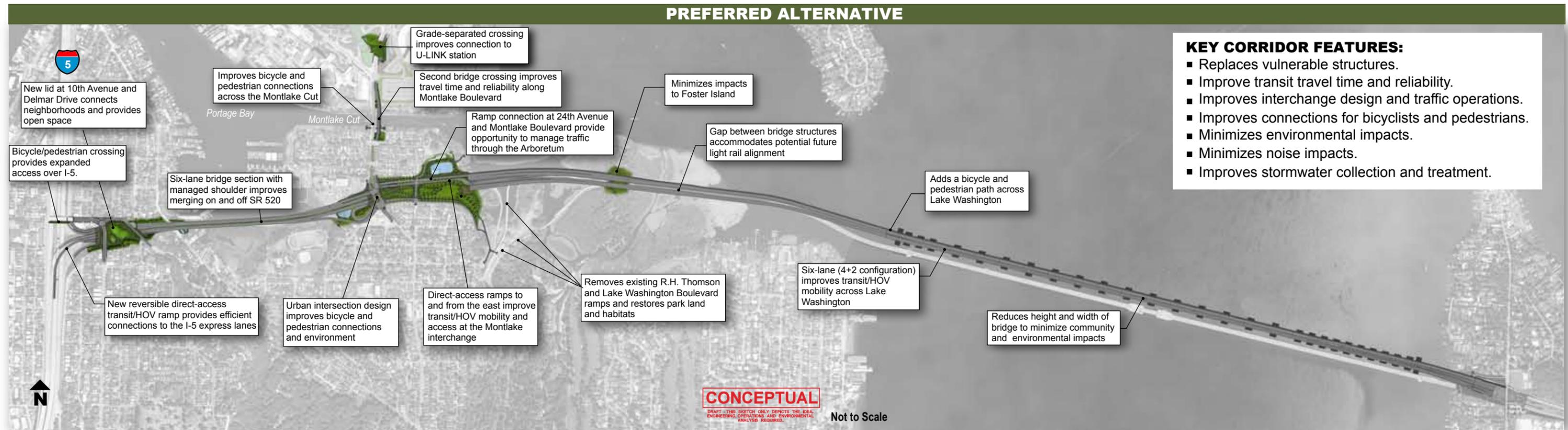
Section 6(f): Minimizing 4(f) impacts also minimizes 6(f) impacts. Through the Parks Technical Working Group, WSDOT is coordinating with the City of Seattle and University of Washington (the LWCFA/ALEA grantees), the Washington State Recreation and Conservation Office, and the National Park Service. A shortlist of potential replacement properties has already been agreed upon and will be finalized by fall 2010.

Section 106: WSDOT is coordinating on a regular basis with the Department of Archaeology and Historic Preservation (DAHP), the seven tribal nations with Section 106 interests, and 16 consulting parties to identify adverse effects and will develop a Memorandum of Agreement (MOA) to address these effects. The MOA will be completed before signing of the FEIS and will be incorporated into the Record of Decision.

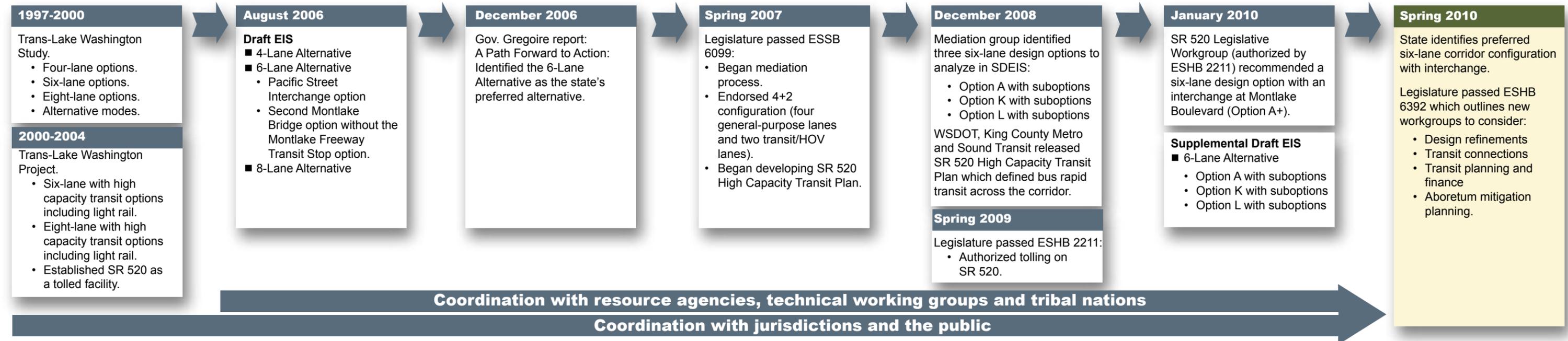
Endangered Species Act: WSDOT has worked closely with the Services at both staff and management levels since 2007 in developing analytical frameworks for effects on listed species. We are continuing this coordination during development of the Biological Assessment, currently scheduled for submittal in summer 2010. Based on discussions with USFWS and NOAA-NMFS to date, we anticipate receiving the Biological Opinion before the end of 2010.

Preferred alternative: Overview

DRAFT April 2010



Project timeline



Preferred alternative

DRAFT April 2010

MONTLAKE INTERCHANGE



Additional refinement could occur through the City of Seattle design process per legislation (ESHB 6392).

DRAFT April 2010

What have we heard?

Who we heard from

- 9 Federal agencies.
- 3 Regional agencies.
- 9 State agencies.
- 3 Transit agencies including King County Metro, Sound Transit, and Community Transit.
- 7 Tribal nations.
- 15 Jurisdictions.
- Over 70 Community organizations.
- Members of the general public.

Safety

- Move forward with the replacement of SR 520 as a six-lane corridor.
- Provide sufficient space for stalled vehicles and emergency access along the corridor.

Parks and recreation

- Minimize effects on the Arboretum and parklands adjacent to the corridor.
- During construction, minimize effects to Opening Day of boating season.
- Provide canoe access underneath SR 520 in Union Bay.
- Add lids to provide open space

Mobility

- Build a six-lane configuration with four general-purpose lanes and two transit/HOV lanes.
- Provide efficient connections for buses to the U-LINK station to and from SR 520.
- Build a structure that accommodates for future light rail transit.
- Provide bicycle and pedestrian connections across Lake Washington.

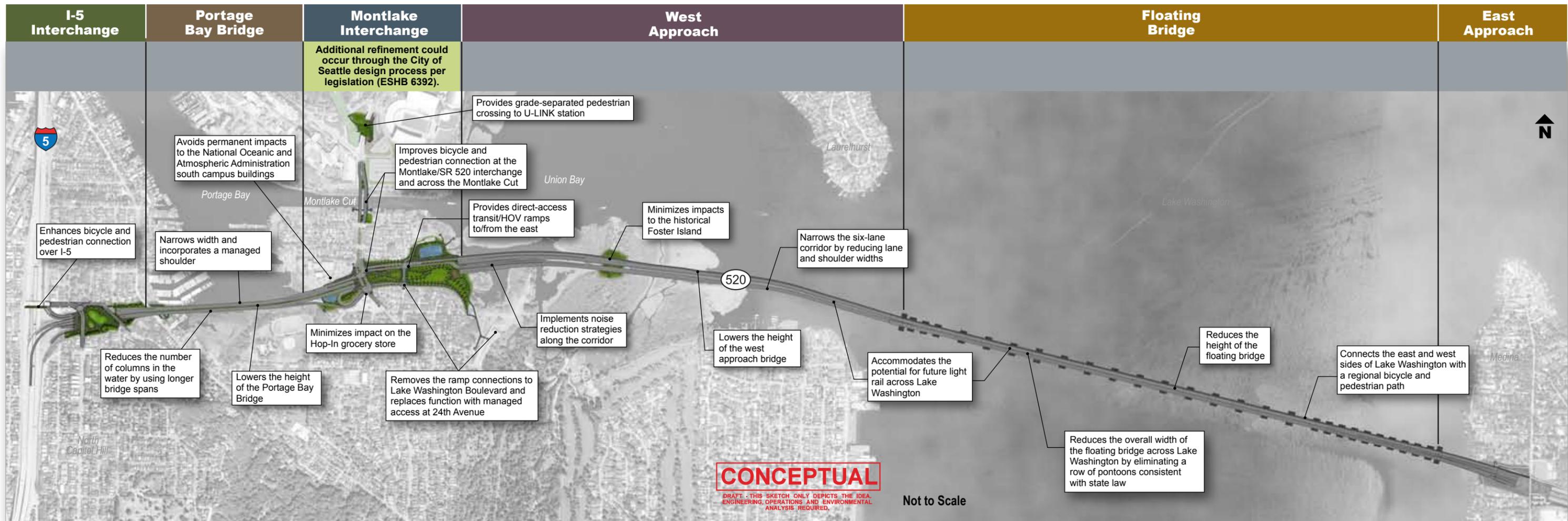
Neighborhoods

- Add lids to reconnect neighborhoods.
- Minimize impacts to neighborhoods during construction.
- Incorporate aesthetic treatment on bridge structures.
- Reduce noise to the extent possible by considering noise walls and other innovative methods.
- Narrow the footprint of the corridor through the neighborhoods.
- Reduce the height and width of the floating bridge.

Natural Environment

- Remove ramp connections to Lake Washington Boulevard.
- Remove existing R.H. Thomson and Lake Washington Boulevard ramps.
- Treat stormwater to meet current stormwater design and treatment standards.
- Minimize emissions and provide incentives for transit riders.
- Minimize impact to fish and wildlife habitat.

How does the preferred alternative incorporate what we heard?





RECEIVED

MAY 26 2009

Office of the Secretary
Department of Transportation

May 22, 2009

Dave Dye
Deputy Secretary of Transportation
Washington State Department of Transportation
310 Maple Park Avenue SE
Olympia, WA 98504-7300

RECEIVED

MAY 26 2009

WSDOT - SR 520
PROJECT OFFICE

Dear Dave:

I am responding to your May 11, 2009, letter about Sound Transit's status as a co-lead agency for the SR 520 Bridge Replacement and HOV project and the Eastside Transit and HOV project.

Sound Transit agrees that the timing is right to step down as a co-lead from both the SR 520 Bridge Replacement and HOV project and the Eastside Transit and HOV Environmental Assessment, continuing with the bridge replacement project as a cooperating agency. Since the 520 corridor has been designated for High Capacity Transit in the Regional Transit Long-Range Plan, and identified as Bus Rapid Transit for the near term, we need to continue to be closely involved with WSDOT as analyses are developed and decisions are made with respect to this corridor.

As a cooperating agency, Sound Transit will be provided the opportunity to review and comment on the draft technical reports, draft SEIS chapters and final SEIS document prior to issuance to the public. The agency will continue to work with WSDOT through review of transit facility designs, transit priority treatments, HOV lane configuration and operation, and any future BRT/HCT planning for the corridor.

Per our discussions surrounding how to address the ST2 plan projects and the East Link light rail line in particular, we look forward to early review of the Cumulative Effects chapter of the draft SEIS and working with WSDOT to develop satisfactory language related to ST2. In addition, we understand that WSDOT will include the full ST2 Plan in the transportation analysis of the final SEIS.

Sound Transit staff will complete any outstanding review of SR 520 supplemental draft EIS (SDEIS) discipline reports currently ongoing and submit comments to WSDOT. Any future review for the SDEIS discipline reports and preliminary SDEIS will be completed during the cooperating agency review process. For the Eastside Transit and HOV project, Sound Transit anticipates being a cooperating agency for the NEPA Environmental Assessment (EA). Our main concern is having the opportunity to review and provide comments on the preliminary draft NEPA Environmental Assessment (EA) prior to issuance to the public and agencies.

We look forward to continuing to work cooperatively with WSDOT on the SR 520 program of projects and wish the best success.

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CHIEF EXECUTIVE OFFICER

Joni Earl



Sincerely,

Joni Earl
Chief Executive Officer

Cc
Ric Ilgenfritz, Executive Director, Policy and Planning
Greg Walker, Policy and Planning Officer
Perry Weinberg, Environmental Compliance Manager
Steve Kennedy, Senior Environmental Planner
Andrea Tull, Senior Planner

cc: Ron Paavonen
Julie Meredith

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