

November 6, 2013

William Chapman  
bill.chapman@klgates.com**VIA Email and US Mail**Angela Angove  
Washington State Department of Transportation  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

Dear Ms. Angove:

This law firm represents the City of Mercer Island (“City”) with respect to the Washington State Department of Transportation’s (“WSDOT”) proposal to toll Interstate 90 (“I-90”) and the associated National Environmental Policy Act (“NEPA”) / State Environmental Policy Act (“SEPA”) review.<sup>1</sup> We write on behalf of the City to provide additional comments on the expanded scope of review.

The City continues to oppose tolling I-90. As with its February 22, 2013 scoping letter, however, the City’s comments will focus on helping WSDOT to develop a comprehensive Environmental Impact Statement (“EIS”) sufficient to withstand judicial review under NEPA or the SEPA.

As a participating agency, the City looks forward to working with WSDOT and Federal Highway Administration (“FHWA”) on development of an EIS that thoroughly analyzes the environmental impacts of tolling I-90 and all reasonable alternatives, including significant diversion-related impacts to transportation, water quality, greenhouse gases, public health and safety, and air quality. While this letter points to certain alternatives that it believes could have less environmental impact, the City does not endorse any particular alternative. Instead, the City’s goal is that the EIS will explore in detail all funding alternatives (as per Engrossed Substitute Senate Bill (“ESSB”) 5024)) and all reasonable alternatives (as required by NEPA).

**EXECUTIVE SUMMARY**

The City expressly incorporates its comments from the February 22, 2013 scoping letter attached hereto for WSDOT’s convenience. *See* Attachment A. These comments build on the

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<sup>1</sup> WSDOT has stated its intent to adopt the EIS to meet its SEPA obligations. WSDOT, I-90 Tolling Project: Scoping Summary Report, at 3 (July 2013).

City's earlier comments but also reflect its concerns with the revised purpose and need statement and scoping materials.

- WSDOT should modify the purpose and need statement to reflect the Legislature's intent in ESSB 5024 to mitigate impacts to "affected residents" and identify alternative funding sources for the SR-520 Bridge Replacement and HOV Program ("SR-520 Project").
- NEPA and SEPA require WSDOT to consider all reasonable alternatives, and failure to analyze a reasonable alternative is grounds for invalidation of an EIS. ESSB 5024 directs WSDOT to examine "all funding alternatives." WSDOT's summary matrix of preliminary alternatives suggests that despite ESSB 5024, the agency is taking a narrow view of "reasonable" alternatives. However, an alternative may be "reasonable" even if it satisfies only some of the purposes of a multi-purpose project. In order to help identify all "reasonable alternatives," this comment letter provides a list of known funding alternatives for transportation infrastructure, as well as additional background on funding mechanisms which it believes are likely to illustrate a range of environmental impacts and facilitate informed decision-making.
- NEPA and SEPA require WSDOT to analyze and disclose all significant environmental impacts, wherever they might occur. Given the likelihood of diversion to other routes, the study area for this EIS should encompass the entire Central Puget Sound Region ("CPSR"). This would also be consistent with ESSB 5024, which expressly directed WSDOT to study environmental impacts on the network of roads and highways around Lake Washington.

#### **I. The "Purpose and Need" Statement Is Inconsistent with ESSB 5024.**

The Washington Legislature directed WSDOT to "prepare a detailed environmental impact statement that complies with the national environmental policy act regarding tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for the construction of the unfunded state route number 520 from Interstate 5 to Medina project." ESSB 5024.

From this language, WSDOT extrapolated the following purpose and need for tolling I-90: (1) "manage congestion and traffic flow on I-90 between I-5 and I-405, which is in the Cross-Lake Washington Corridor" and (2) "contribute revenues to the sustainable, long-term funding for timely completion of the SR 520 Bridge Replacement and HOV Program and maintenance and future transportation improvements on I-90 in the Cross-Lake Washington Corridor."<sup>2</sup> This description of the purpose and need for tolling I-90 is inappropriately narrow and inconsistent with ESSB 5024.

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<sup>2</sup> WSDOT, I-90 Tolling Project: Purpose and Need Statement (July 18, 2013), [http://www.wsdot.wa.gov/NR/rdonlyres/F6C93F1B-3C6C-4589-BF13-ACEE6F4F8052/0/Revised\\_Purpose\\_and\\_Need\\_I90Tolling20130718.pdf](http://www.wsdot.wa.gov/NR/rdonlyres/F6C93F1B-3C6C-4589-BF13-ACEE6F4F8052/0/Revised_Purpose_and_Need_I90Tolling20130718.pdf).

**A. WSDOT Should Revise the Purpose and Need Statement to Address ESSB 5024's Concerns about Disproportionate Impacts.**

Senator Steve Litzow and Representative Judy Clibborn – sponsors of the bill that ultimately passed as ESSB 5024 – recently weighed in on WSDOT's interpretation and its failure to reflect the legislative intent behind ESSB 5024.<sup>3</sup> The purpose of ESSB 5024 was to ensure that certain "affected residents" (i.e., those who rely on I-90 to access employment and necessary medical care) would not bear a disproportionate share of impacts. Thus, WSDOT should modify the purpose and need statement to include "(2) identify a fair and equitable source of revenue for the completion of the SR 520 Bridge Replacement and HOV Program."

The City also believes that the purpose and need statement should also focus on funding the SR-520 Project instead of "future transportation improvements on I-90 in the Cross-Lake Washington Corridor." The Legislature did not direct WSDOT to identify a source of ongoing funding for I-90, and it appears that this language would narrow the range of reasonable alternatives by requiring the funding alternatives to cover unspecified future improvements of unstated cost.<sup>4</sup> Focusing on options which can produce revenue of this magnitude could exclude otherwise reasonable alternatives that would distribute burdens more fairly.

ESSB 5024 also added language requiring the EIS for this proposal to "review any impacts to the network of highways and roads surrounding Lake Washington." ESSB 5024. Given the broad and nonspecific nature of the mandate to "manage traffic" and the Legislature's express directive to expand this EIS's geographic scope, WSDOT should revise the first prong of its purpose and need statement to: "(1) mitigate the impacts of congestion and traffic flow on the network of highways and roads surrounding Lake Washington."

If the purpose and need statement fails to recognize the concerns embodied in ESSB 5024, the I-90 tolling EIS would be contrary to state statute and the resulting EIS would be subject to an adequacy challenge under NEPA or SEPA.

**B. WSDOT Should Delete Language Which Improperly Limits the Range of Reasonable Alternatives.**

The purpose and need statement in an EIS cannot be so narrow that there is only one reasonable alternative. *E.g., Natural Resources Defense Council v. Evans*, 232 F. Supp. 2d 1002 (N.D. Cal. 2002). WSDOT's purpose and need statement also narrows the funding prong to require that revenue be both "long-term" and result in "timely" completion of the SR-520

<sup>3</sup> Letter from Senator Steve Litzow and Representative Judy Clibborn to Lynn Peterson, WSDOT (Oct. 15, 2013). See Attachment B.

<sup>4</sup> Washington's policy on how to use toll revenue, *see* RCW 47.56.830 ("All revenue from an eligible toll facility must be used only to improve, preserve, manage, or operate the eligible toll facility on or in which the revenue is collected.") is certainly relevant to the Legislature's decision, but its current use in the purpose and need statement to narrow the range of reasonable alternatives to tolling I-90 is inappropriate.

Project.<sup>5</sup> These qualifiers do not appear in ESSB 5024 and could improperly narrow the range of “reasonable alternatives.” WSDOT should adhere to the Legislature’s express language and remove qualifiers that suggest an intent to unduly narrow the range of alternatives.

Also unclear is whether WSDOT could proceed with the SR-520 Project in phases without jeopardizing public safety, or whether WSDOT’s requirement that the revenue source be “timely” is merely a preference. Previous materials on the SR-520 Project have described it as fully funded except the section of highway from Interstate 5 (“I-5”) to the Montlake neighborhood.<sup>6</sup> The current scoping materials, however, indicate that the bridge cannot be replaced without tolling I-90, i.e., that the unfunded portion of the project is the bridge itself.<sup>7</sup> WSDOT is already building the replacement SR-520 bridge,<sup>8</sup> which suggests that the lack of funding for the I-5 to Montlake portion does not create quite the threat to public safety that the current purpose and need statement indicates.

## II. The EIS Must Provide Further Background on the “Need.”

The draft EIS must also provide a more comprehensive explanation of the “need” for congestion management and SR-520 funding.

With respect to the need for funding, it is unclear how WSDOT can accurately determine whether a particular funding alternative (or combination thereof) will be sufficient to meet the “need” if it does not have up-to-date cost estimates. The Capital Finance Plan and EIS for the SR-520 Project date back to 2007 and early 2011, respectively.<sup>9</sup> A great deal has changed in the past few years, including a significant decrease in overall regional travel and a trend among young drivers to reject driving and car ownership (both of which could affect traffic and revenue estimates);<sup>10</sup> receipt of additional federal funding for SR-520;<sup>11</sup> imposition of tolls on the existing

<sup>5</sup> WSDOT also inserted the term “sustainable”; interpreting “sustainable” as “continuing” or “ongoing” would be inconsistent with ESSB 5024, which directed WSDOT to study tolling for a specific limited purpose (funding the SR-520 Project).

<sup>6</sup> The website for the SR 520 Bridge Replacement and HOV Program shows that only the southern half of the West Approach of SR-520, between I-5 and Montlake, is unfunded. <http://www.wsdot.wa.gov/projects/SR520Bridge/>. See also WSDOT, I-90 Tolling Project: Purpose and Need Statement (Jan. 17, 2013) (explaining that without I-90 tolling revenue, the SR-520 Bridge Project will remain “underfunded pending action by the state legislature” without reference to public safety).

<sup>7</sup> WSDOT, I-90 Tolling Project: Purpose and Need Statement (July 18, 2013) (“Delays would extend the time users depend on seismically-deficient structures that are at risk of failure or sudden closure due to an earthquake.”).

<sup>8</sup> The website for the SR 520 Project shows that the bridge is already under construction.

<http://www.wsdot.wa.gov/projects/SR520Bridge/>.

<sup>9</sup> WSDOT, SR 520 Finance Plan (2007); WSDOT, SR 520, I-5 to Medina: Bridge Replacement and HOV Project Final Environmental Impact Statement (2011). Both documents are available at the WSDOT website:

<http://www.wsdot.wa.gov/Projects/SR520Bridge/Library/technical.htm#finance>.

<sup>10</sup> Christian Gaston, *The Oregonian*, “Columbia River Crossing: If They Build It, Who Will Drive Over It?” (Oct. 20, 2013), [http://www.oregonlive.com/politics/index.ssf/2013/10/columbia\\_river\\_crossing\\_if\\_the.html](http://www.oregonlive.com/politics/index.ssf/2013/10/columbia_river_crossing_if_the.html).

<sup>11</sup> WSDOT, “WSDOT announces SR 520 pontoon design changes and repairs, results of internal review” (Feb. 26, 2013), [http://www.wsdot.wa.gov/News/2013/02/26\\_SR520\\_PontoonsUpdate.htm](http://www.wsdot.wa.gov/News/2013/02/26_SR520_PontoonsUpdate.htm).

SR-520 bridge; and the discovery of design and construction errors on the SR-520 Project (which influence the risk of a cost overrun).<sup>12</sup>

WSDOT should also provide further explanation as to its threshold for “congestion” and how it evaluates a road’s Level of Service. For instance, the Final EIS for the Columbia River Crossing – which similarly aims to improve reliability and travel times on the I-5 bridge over the Columbia River – defines “traffic congestion” as occurring when “average vehicle travel speed on the freeway falls below 30 mph” and defines “congestion” in terms of “the number of hours during a typical day when this condition occurs.”<sup>13</sup> A quantitative metric will help the public and Legislature make an informed decision as to the value of each alternative relative to its environmental impacts (i.e., by comparing the level of congestion reduction that is associated with each alternative).

### **III. WSDOT Should Define the Study Area to Include the Four-County Central Puget Sound Region.**

WSDOT’s most recent scoping materials indicate that “[t]he specific boundaries of the project study area will be defined in the EIS.”<sup>14</sup> The City appreciates WSDOT’s reconsideration of the study area described in previous scoping materials, which included only SR-520 and I-90 between I-5 and I-405, but is concerned by the agency’s failure to adopt the geographic scope requested by the Washington State Legislature and the City’s previous scoping letter.<sup>15</sup> Both ESSB 5024 and NEPA/SEPA require WSDOT and FHWA to examine impacts within a broad geographic area – at a minimum, the entire CPSR – for the I-90 tolling EIS.

#### **A. ESSB 5024 Requires a Broad Geographic Scope of Review.**

ESSB 5024 explicitly directs WSDOT to analyze impacts to the network of highways and roads around Lake Washington.<sup>16</sup> Due to diversion, tolling I-90 will impact far more road miles than the several miles of I-90 between I-5 and I-405. As explained in the City’s prior comment letter, such diversion is likely to have substantial environmental impacts on a regional and local level, especially with respect to transportation, land use, air quality, water quality, greenhouse gases, noise, and public health and safety, and may impose a disproportionate burden on environmental justice communities.<sup>17</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> Federal Highway Administration (“FHWA”) & Federal Transit Administration (“FTA”), Columbia River Crossing Final EIS, at 3-31.

<sup>14</sup> 78 Fed. Reg. 59414, 59414 (Sept. 26, 2013).

<sup>15</sup> Letter from City of Mercer Island to WSDOT, at 3 n.3 (Feb. 22, 2013).

<sup>16</sup> ESSB 5024.

<sup>17</sup> Letter from City of Mercer Island to WSDOT, at 2-7 (Feb. 22, 2013).

**B. NEPA Requires WSDOT to Analyze Impacts within the Central Puget Sound Region (at a Minimum).**

NEPA review extends to the impacts of a proposed action regardless of where such impacts occur. 40 CFR 1508.25(c); *Border Power Plant Working Group v. U.S. Dep't of Energy*, 260 F. Supp. 2d 997 (S.D. Cal. 2003) (requiring the EIS for a transmission line from Mexico to the United States to analyze the air and water quality impacts of the Mexican power plants generating the electricity across the border in the US). Indeed, under the Department of Ecology's expansive view of SEPA, the EIS could extend to impacts in distant states and foreign countries.<sup>18</sup>

As both WSDOT and FHWA have recognized, it is "reasonably foreseeable" that tolling may lead to diversion and that such diversion can significantly impact transportation and other resources.<sup>19</sup> This four-county region is likely to include all of the possible diversion routes and will encompass all of the direct and indirect impacts to transportation, air quality, etc. within the network of roads and highways around Lake Washington. Restricting analysis of tolling's environmental impacts to the miles of highway on I-90 and SR-520 between I-5 and I-405 precludes full disclosure of this proposal's impacts and interferes with informed decision-making. *N. Plains Res. Council v. Surface Transp. Bd.*, 668 F.3d 1067, 1077 (9th Cir. 2011) (concluding that EIS violated NEPA by failing to disclose significant environmental impacts). This is required by NEPA and SEPA independent of the explicit directive by the Legislature in 2013.

A broad scope of review is consistent with prior WSDOT and FHWA practice. WSDOT's EIS for the Alaskan Way Viaduct examined not only State Route 99 and its interchanges in downtown Seattle, but also analyzed diversion-related impacts within the entire four-county Central Puget Sound Region.<sup>20</sup> FHWA also chose a broad scope of review in the EIS for the Ohio River Bridges Project in Louisville, Kentucky, and analyzed diversion-related impacts to a variety of resources (e.g., land use, transportation) within five counties surrounding downtown Louisville.<sup>21</sup>

Unlike WSDOT's newly coined concept of the "Cross-Lake Washington Corridor" (which appears to have no independent legal or administrative existence in transportation planning and funding<sup>22</sup>), the CPSR is the relevant administrative unit for planning and funding

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<sup>18</sup> Letter from Maia D. Bellon, Director, Washington Dep't of Ecology to the Honorable Doug Ericksen (Aug. 22, 2013) (explaining that SEPA review extends to impacts from activities occurring in other states and countries). See Attachment D.

<sup>19</sup> WSDOT, Alaskan Way Viaduct Replacement Project Final Supplemental EIS ("SEIS"), Appendix IX at 4 (2011); FHWA, Ohio River Bridges Final SEIS, at 5-11, Appendix H.1. See also Letter from City of Mercer Island to WSDOT, at 2-4 (diversion-related impacts) and 7-11 (socioeconomic and land use impacts) (Feb. 22, 2013).

<sup>20</sup> WSDOT, Alaskan Way Viaduct Replacement Project Final SEIS, Appendix IX at 4 (2011).

<sup>21</sup> FHWA, Ohio River Bridges Final SEIS, at 5-11, Appendix H.1.

<sup>22</sup> WSDOT is the only entity to refer to SR-520 and I-90 as the "Cross-Lake Washington Corridor" and even then, only in the context of using I-90 to generate revenue for SR-520. Only the Washington State Legislature can designate portions of the state highway system as a single "eligible toll facility," and it has consistently treated I-90

transportation projects under the governance of the Puget Sound Regional Council (“PSRC”). Many of the funding alternatives are likely to implicate funding decisions within the Region as a whole. Carving out a smaller area could make the analysis of funding alternatives more difficult and less transparent.

Finally, the PSRC’s long-term transportation plan - the Transportation 2040 Plan - projects a system of “fully tolled facilities” in the Region.<sup>23</sup> Therefore, the EIS must consider the impacts of these “reasonably foreseeable actions” within the cumulative impacts section. *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998) (remanding EIS for failure to disclose the impacts of reasonably foreseeable actions). Because the Transportation 2040 Plan EIS did not address the impacts of tolling facilities on a piecemeal basis,<sup>24</sup> that EIS does not fulfill NEPA/SEPA obligations for this proposal. A study area that includes all of the CPSR is the minimum necessary to understand the cumulative impacts of these reasonably foreseeable actions.

#### **IV. WSDOT Should Consider a Wide Range of Alternatives, including “All” Funding Alternatives<sup>25</sup> and Other Reasonable Alternatives.**

“The purpose of NEPA is to require disclosure of relevant environmental considerations that were given a ‘hard look’ by the agency, and thereby to permit informed public comment on proposed action and any choices or alternatives that might be pursued with less environmental harm.” *Lands Council v. Powell*, 395 F.3d 1019, 1027 (9th Cir. 2005). Under NEPA, agencies have a duty “to study all alternatives that appear reasonable and appropriate for study . . . , as well as significant alternatives suggested by other agencies or the public during the comment period.” *Roosevelt Campobello Int’l Park Comm’n v. United States EPA*, 684 F.2d 1041, 1047 (1st Cir. 1982) (quotations omitted).

“[T]he existence of reasonable but unexamined alternatives renders an EIS inadequate.” *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992). The obligation to consider a wide range of alternatives is especially important where the proposed action would have substantial impacts. *Olmsted Citizens for a Better Community v. United States*, 793 F.2d 201, 208 (8th Cir. 1986). Tolling I-90 will have significant environmental impacts, and WSDOT should analyze more than one action alternative to help the Legislature choose between greater (and lesser) environmental harms.

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and SR-520 as separate “corridors.” RCW 47.56.870 (authorizing tolls on the “State Route number 520 corridor”); RCW 47.20.645 (referring to the “Interstate 90 Corridor”).

<sup>23</sup> See Letter from City of Mercer Island to WSDOT, at 6-7 (Feb. 22, 2013) (explaining why regional tolling is a reasonably foreseeable future action); PSRC, Transportation 2040 EIS, at 47. Exhibit 3-17 of this EIS, attached to the February 22, 2013 letter, shows that tolling is expected to extend north and south of I-90 and SR-520.

<sup>24</sup> WSDOT, Alaskan Way Viaduct Replacement Project Draft SEIS, at 306 (recognizing that “[a]s appropriate for long-range Regional Transportation Plans, the Transportation 2040 Final EIS did not identify specific impacts from tolled projects or cumulative impacts from multiple tolled projects occurring at once.”).

<sup>25</sup> While “financing options” might be a more appropriate phrase, this letter will follow the Legislature’s lead and refer to “funding alternatives” as in ESSB 5024.

### A. WSDOT Must Analyze “All” Funding Alternatives to Tolling I-90.

The Notice of Intent to Prepare an EIS states that “[a]ll reasonable alternatives recommended by the Washington State Legislature, the public, and agencies will be considered and evaluated in the EIS to determine if they meet the purpose and need of the project: the EIS will also include a No-Build Alternative.”<sup>26</sup>

While NEPA allows agencies to focus on a limited set of alternatives when appropriate,<sup>27</sup> agencies are still required to define alternatives in sufficient detail, including any necessary infrastructure and costs of administration, to “sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public.” 40 CFR 1502.14. Here, the EIS needs to address the needs of both WSDOT and the Washington Legislature. *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 837 (D.C. Cir. 1972) (“NEPA was intended to provide a basis for consideration and choice by the decisionmakers in the legislative as well as the executive branch.”).

An EIS that considers “all” funding alternatives will help the Legislature decide how to fund the SR-520 Project by identifying the environmental impacts of various funding alternatives. 40 CFR 1502.2(e) (“The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate ... decisionmaker.”). Thus, WSDOT should carefully consider each funding mechanism and only dismiss a funding alternative from full consideration if WSDOT can offer a detailed explanation for why a particular alternative is not available to the Legislature.

### B. WSDOT Should Consider All Reasonable Alternatives, Including Alternatives that Only Meet One of the Purposes.

WSDOT’s review of funding alternatives may, in fact, help the Legislature decide to accept an alternative that only meets one of the purposes of tolling I-90 in ESSB 5024. In the meantime, NEPA “does not permit the agency to eliminate from discussion or consideration a whole range of alternatives, merely because they would achieve only some of the purposes of a multi-purpose project.” *Town of Mathews v. U.S. Dep’t of Transp.*, 527 F. Supp. 1055, 1057 (W.D.N.C. 1981) (invalidating alternatives analysis).

Even if a single funding mechanism is insufficient by itself, it may narrow the funding gap enough to secure legislative approval of additional state funding. *N. Buckhead Civic Ass’n v. Skinner*, 903 F.2d 1533, 1542 (11th Cir. 1990) (“a discussion of alternatives that would only partly meet the goals of the project may allow the decisionmaker to conclude that meeting part of

<sup>26</sup> 78 Fed. Reg. 59414, 59414 (Sept. 26, 2013) (emphasis added).

<sup>27</sup> Even if WSDOT does not see the funding alternatives as “reasonable,” NEPA encourages agencies to meet multiple statutory requirements in a single document. 40 CFR 1506.4.

the goal with less environmental impact may be worth the tradeoff with a preferred alternative that has greater environmental impact”).

For instance, a comprehensive review of environmental impacts of various funding and traffic management alternatives might reveal that WSDOT can reduce congestion on I-90 by converting the High Occupancy Vehicle (“HOV”) lanes to High Occupancy Toll (“HOT”). While HOT lanes may not raise enough revenue to cover the estimated \$1.4 billion funding gap for the SR-520 Project, the HOT revenue may provide enough revenue for the Legislature to find additional funding. An EIS disclosing far less environmental impact from HOT lanes than general tolling could shift the legislative discussion.

### **C. Many of the Funding Mechanisms Provide “Reasonable Alternatives” to Tolling All Lanes of I-90.**

The preliminary list of alternatives in WSDOT’s scoping materials suggests that other funding mechanisms may not produce as much revenue as tolling I-90. The same matrix, however, suggests that even the act of tolling I-90 would not qualify as a “reasonable” alternative for both purposes in ESSB 5024.<sup>28</sup> The City hopes that WSDOT’s draft EIS will explain the “current information” indicating that tolling I-90 will not meet the funding gap for the SR-520 Project either. Given this uncertainty, it would be both shortsighted and inconsistent with ESSB 5024, NEPA, and SEPA to dismiss other funding alternatives from further consideration in the EIS based on the inability to fully address the funding gap for the SR-520 Project.

An alternative is “reasonable” if it is “practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”<sup>29</sup> The Legislature has many options for funding transportation infrastructure, and the City has provided a list of funding mechanisms in Attachment C. In particular, WSDOT and FHWA should consider the following reasonable alternatives to tolling all lanes of I-90: increasing fuel tax revenue; imposing a fee on Vehicle Miles Traveled (“VMT”); setting up a carbon tax for transportation fuels; implementing HOT lanes; and seeking additional federal, state, or county funding for I-90 (e.g., license fees, car tabs).

We expand on the potential advantages of each of these alternatives below for the sole purpose of assuring their inclusion in the detailed analysis of WSDOT’s EIS. The City does not endorse any particular alternative over another alternative. Given the potential advantages, the EIS should clearly identify these options as alternatives and then provide the policy and environmental impact analysis so that public reviewers and the Legislature can understand the pros and cons that NEPA’s “hard look” will reveal.

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<sup>28</sup> Footnote 2 of this matrix states that: “Current information suggests that none of the proposed toll alternatives would completely fill the revenue gap for the SR-520 Program. Additional revenues will be necessary.” WSDOT, What We Heard During Initial Scoping: Potential Build Alternatives (2013), <http://www.wsdot.wa.gov/Projects/I90/CrossLakeWATolling/ScopingInformation.htm>.

<sup>29</sup> 46 Fed. Reg. 18026 (Mar. 23, 1981).

## 1. “No Action” Alternative / Modify the SR-520 Project

The City’s prior scoping letter sets out in detail the reasons why WSDOT should carefully consider the No Action alternative.<sup>30</sup> Section II of this letter expresses the City’s concern that the need for funding the SR-520 Project is not being stated accurately in current scoping materials. The City worries that this inaccuracy will also permeate the EIS’s description of the No Action alternative and the environmental impacts of failing to fund the remainder of the SR-520 Project.

NEPA requires the inclusion of a No Action alternative in order to compare the impacts of the action alternatives to the *status quo ante* so that “agencies [can] compare the potential impacts of the proposed major federal action to the known impacts of maintaining the status quo.” *Custer County Action Ass’n v. Garvey*, 256 F.3d 1024, 1040 (10th Cir. 2001). Given WSDOT’s insistence that it cannot complete the SR-520 Project as currently proposed without I-90 tolling revenue,<sup>31</sup> the EIS should define the No Action alternative as a reduced scope of work and budget for the SR-520 Project. Any other characterization could skew the NEPA analysis and interfere with the public’s ability to participate in the decision-making process.

## 2. Increase in Fuel Tax Revenue

In many ways, the most reasonable alternative is to increase the revenue from motor fuels excise tax, which has historically been the most popular method of funding transportation investments.<sup>32</sup> Higher excise taxes on motor fuels could raise significant amounts of revenue.<sup>33</sup> Further, arguably such an increase is long overdue – fuel taxes have not kept pace with inflation<sup>34</sup> and would only require an additional \$0.03/gallon to raise the necessary funds.<sup>35</sup> Indeed, the adverse effects of gasoline consumption (pollution, congestion, etc.) justify a fuel tax at least three times the current fuel tax rate.<sup>36</sup> In addition, fuel taxes are generally recognized as more efficient because fuel taxes cost much less to collect and administer than tolls.<sup>37</sup> Finally, this alternative does not impose inequitable burdens on any particular community in the CPSR and could reduce congestion.

<sup>30</sup> Letter from City of Mercer Island to WSDOT, at 12 (Feb. 22, 2013).

<sup>31</sup> WSDOT, I-90 Tolling Project: Purpose and Need Statement (Jan. 17, 2013) (without I-90 tolling revenue, the SR-520 Bridge Project will remain “underfunded pending action by the state legislature”).

<sup>32</sup> National Cooperative Highway Research Program (“NCHRP”), *Future Financing Options to Meet Highway and Transit Needs*, at 5-5 (2006).

<sup>33</sup> William S. Gale, Samuel Brown, & Fernando Sautiel, *Carbon Taxes as Part of the Fiscal Solution* (Mar. 12, 2013), <http://www.brookings.edu/research/papers/2013/03/12-carbon-tax-gale>.

<sup>34</sup> *Id.*

<sup>35</sup> WSDOT, *What We Heard During Initial Scoping: Potential Build Alternatives* (2013), <http://www.wsdot.wa.gov/Projects/I90/CrossLakeWATolling/ScopingInformation.htm>.

<sup>36</sup> William S. Gale, Samuel Brown, & Fernando Sautiel, *Carbon Taxes as Part of the Fiscal Solution* (Mar. 12, 2013), <http://www.brookings.edu/research/papers/2013/03/12-carbon-tax-gale>.

<sup>37</sup> *E.g.*, Martin Wachs, *After the Motor Fuel Tax: Reshaping Transportation Financing*, *Issues in Science and Technology* (Summer 2009), [www.issues.org/25.4/wachs.html](http://www.issues.org/25.4/wachs.html).

### 3. Vehicle Miles Traveled Fee

VMT is also a practicable and feasible alternative. After fuel taxes, experts on transportation policy consider a VMT fee system to be the “most viable approach” to funding transportation.<sup>38</sup> A VMT system can “help to finance transportation projects even when traditional financing approaches have proven insufficient” and “avoid[] the problem of diverted traffic . . . that is associated with more limited applications of tolling.”<sup>39</sup> Other benefits of a VMT funding mechanism include (i) a more equitable pricing structure than motor fuel tax and vehicle registration fees; (ii) the ability to index the VMT fee to carbon output; (iii) the opportunity to send stronger pricing signals than fuel taxes or registration fees.<sup>40</sup> In addition, WSDOT can eliminate the need for tolls for the network of roads and highways around Lake Washington and meet its revenue goals for SR-520 while distributing burdens fairly between communities and minimizing congestion on the network of highways.

The technology to implement a VMT program is available.<sup>41</sup> Pilot studies in both Oregon and Washington using two different technologies showed a decrease in vehicle miles traveled on urban roads during peak hours.<sup>42</sup> In fact, the PSRC studied the viability of a VMT system on a network of arterial roads and highways from Puget Sound (to the west), Everett (to the north), the Sammamish Plateau (to the east), and Renton/Seatac (to the south) over 18 months and concluded that “a system for charging for the use of an entire network of roads is indeed feasible, and even cost-effective, given the sizable opportunities to realize broad benefits to society.”<sup>43</sup>

WSDOT’s preliminary alternatives matrix, however, points to a number of implementation issues, including: “Work on the required infrastructure, regulations and procedures has not begun leading to a long timeframe for implementation.”<sup>44</sup> However, the assumptions underlying this conclusion are not clearly stated, including whether this “long timeframe” would reflect all of the work done by the PSRC to test VMT fees on the network of roads and highways near Lake Washington. WSDOT has not even prepared a draft EIS for the tolling proposal, so it is difficult to see how the timeline would differ significantly for a VMT

<sup>38</sup> Congressional Research Service, *Funding and Financing Highways and Public Transportation*, at 8-9 (2013) (noting that studies on VMT “almost universally” support transition to a VMT system).

<sup>39</sup> PSRC, *Traffic Choices Study: Summary Report*, at 17 (2008).

<sup>40</sup> NCHRP, *Future Financing Options to Meet Highway and Transit Needs*, at 5-9 (2006).

<sup>41</sup> PSRC, *Traffic Choices Study: Summary Report*, at 18 (2008) (noting that in-vehicle tolling devices allow “flexible extensions or alterations of the road tolling network”).

<sup>42</sup> Congressional Budget Office, *Alternative Approaches to Funding Highways*, at 16 (2011).

<sup>43</sup> PSRC, *Traffic Choices Study: Summary Report*, at 7, 11, 18 (2008).

<sup>44</sup> The City hopes that WSDOT’s summary matrix of alternatives is not a preliminary attempt to shift public opinion with respect to the reasonableness of each alternative. For instance, the matrix similarly states that “tolls on other facilities could not be implemented in a timely manner for completion of the SR 520 Program.” In the draft EIS, WSDOT should clearly describe the facilities being tolled, the basis for concluding that such toll revenues would be untimely, the revenue that could be raised, and quantitative estimates for the environmental impacts (e.g., reductions in congestion, increase in peak hour average speed, vehicle miles traveled).

proposal.<sup>45</sup> This is exactly the sort of innovative congestion relief strategy that FHWA prefers for Value Pricing Pilot Program approval.<sup>46</sup>

Ultimately, a comparison of the environmental impacts of a VMT program and tolling should help both the Legislature and the public analyze the best mechanism for funding SR-520. Two major advantages of a VMT program are that (1) tolling secondary roads represent a significant revenue opportunity (roughly half of the revenues in the PSRC study); and (2) tolling secondary roads will prevent traffic diversion onto these roads and a significant degradation of service quality.<sup>47</sup> While there are undoubtedly implementation issues with VMT (as with all of the funding mechanisms, including tolling), an EIS is an appropriate way to disclose such impacts and uncertainties and seek public comment.

#### 4. "High Occupancy Toll" Lanes

Alternatively, instead of tolling all lanes of all roads around Lake Washington, WSDOT could implement HOT lanes, whether on I-90 alone or on the network of roads and highways around Lake Washington (including I-90).<sup>48</sup> As with VMT fees, there is clear legal authority. 23 U.S.C. 166. Further, HOT lanes would accomplish similar goals to a VMT program, as HOT lanes can reduce congestion and provide funding.<sup>49</sup> Indeed, the SR-167 HOT lanes are generating more revenue than expected.<sup>50</sup> If WSDOT imposes only HOT tolls on I-90, the ability to choose whether to pay a toll is likely to mitigate impacts to "affected residents" and other communities. WSDOT should at least consider the environmental impacts of tolling under other statutory authorities.

#### 5. Carbon Tax

Economists and transportation experts have also increasingly called for a carbon tax on the consumption of fuels for transportation.<sup>51</sup> Indeed, the Governor of Washington recently

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<sup>45</sup> The City assumes that WSDOT has not taken steps that run afoul of the NEPA prohibition on irretrievable commitments. 40 CFR 1506.1.

<sup>46</sup> 75 Fed. Reg. 64397 (Oct. 19, 2010) (soliciting proposals for VPPP approval and noting "[t]he FHWA is especially interested in grant applications for projects that do not involve highway tolls.>").

<sup>47</sup> PSRC, Traffic Choices Study: Summary Report, at 26 (2008).

<sup>48</sup> WSDOT initially proposed either tolling the HOV lanes only (under its HOT authority, 23 U.S.C. § 166) or all of the lanes (through the Value Pricing Pilot Program). See WSDOT, Expression of Intent (2009). WSDOT has never explained why HOT tolling would not meet its congestion reduction needs.

<sup>49</sup> PSRC, Transportation 2040 Final EIS, Appendix F: Financial Strategy Background, at 22 (2010) (noting that a recent study found that for the Atlanta metropolitan area, "TOT [Truck-only Tolls ("TOT")] lanes had a high potential for relieving congestion, potentially even more than HOV or HOT lanes.>").

<sup>50</sup> WSDOT, "SR 167 HOT Lanes: Common Questions"

<http://www.wsdot.wa.gov/Tolling/SR167HotLanes/FAQ.htm#C3>

<sup>51</sup> E.g., <http://standupeconomist.com/why-connect-a-carbon-tax-to-transportation-infrastructure-maintenance/>;

[\[http://www.transportation-finance.org/funding\\\_financing/funding/proposed\\\_funding\\\_sources/carbon\\\_tax\\\_cap\\\_trade\\\_program.aspx\]\(http://www.transportation-finance.org/funding\_financing/funding/proposed\_funding\_sources/carbon\_tax\_cap\_trade\_program.aspx\).](http://www.transportation-</a></p></div><div data-bbox=)

identified the need for a work group to develop a carbon tax proposal,<sup>52</sup> and that work group has identified a carbon tax on transportation as one of the more cost-effective mechanisms for reducing greenhouse gas emissions.<sup>53</sup> The work group will not make its final recommendations to the Legislature until the end of December 2013,<sup>54</sup> but it would be logical to address transportation emissions as a priority, given that they account for 44 percent of Washington's carbon dioxide output.<sup>55</sup> A carbon tax would raise funds, address congestion on more than one road, reduce greenhouse gases, and all without imposing a disproportionate burden on any one community.<sup>56</sup>

Carbon taxes can raise significant amounts of revenue and significantly reduce emissions.<sup>57</sup> For instance, British Columbia's carbon tax, which applies to transportation fuels, raised \$1.12 billion in 2012-2013<sup>58</sup> and is expected to reduce carbon emissions by 3 million metric tons annually by 2020.<sup>59</sup> Further, carbon taxes are easy to implement and do not require new technology or increase the costs of compliance for users.<sup>60</sup> Finally, other regional governments have already shown that carbon taxes can result in reduced greenhouse gas emissions.<sup>61</sup>

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<sup>52</sup> John Stang, *Carbon Taxes? Inslee Wants a Look* (Oct. 15, 2013), <http://crosscut.com/2013/10/15/olympia-2013/116932/inslee-wants-look-carbon-tax-credit-trading/>.

<sup>53</sup> Washington State Climate Legislative and Executive Workgroup ("CLEW"), Economic Impact Summary Significant Programs (Nov. 5, 2013) (hereinafter "Economic Impact"), [http://www.governor.wa.gov/issues/economy/climateWorkgroup/documents/CLEW\\_EconomicImpactSummary\\_20131106.pdf](http://www.governor.wa.gov/issues/economy/climateWorkgroup/documents/CLEW_EconomicImpactSummary_20131106.pdf) (comparing the \$/MtCO<sub>2e</sub> for various GHG emissions reduction strategies and basing carbon tax analysis on British Columbia tax, which addresses the transportation sector); CLEW, Evaluation of Approaches to Reduce Greenhouse Gas Emissions in Washington State - Final Report (Oct. 14, 2013), at 29, [http://www.governor.wa.gov/issues/economy/climateWorkgroup/documents/Task\\_4\\_Final\\_Report\\_10-13-2013.pdf](http://www.governor.wa.gov/issues/economy/climateWorkgroup/documents/Task_4_Final_Report_10-13-2013.pdf). Washington's Governor recently committed to adopt new policies to reduce greenhouse gas emissions.

<sup>54</sup> Senate Bill 5802, <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5802>.

<sup>55</sup> CLEW, Evaluation of Approaches to Reduce Greenhouse Gas Emissions in Washington State, at 2.

<sup>56</sup> For instance, British Columbia used its carbon tax revenue to mitigate impacts to low-income households. CLEW, Economic Impact (Nov. 5, 2013), [http://www.governor.wa.gov/issues/economy/climateWorkgroup/documents/CLEW\\_EconomicImpactSummary\\_20131106.pdf](http://www.governor.wa.gov/issues/economy/climateWorkgroup/documents/CLEW_EconomicImpactSummary_20131106.pdf).

<sup>57</sup> William S. Gale, Samuel Brown, & Fernando Saltiel, Carbon Taxes as Part of the Fiscal Solution (Mar. 12, 2013), <http://www.brookings.edu/research/papers/2013/03/12-carbon-tax-gale>.

<sup>58</sup> Government of British Columbia, Carbon Tax Report and Plan (2013), [www.fin.gov.bc.ca/tbs/tp/climate/carbon\\_tax.htm](http://www.fin.gov.bc.ca/tbs/tp/climate/carbon_tax.htm).

<sup>59</sup> J. Sumner, L. Bird, & H. Smith, National Renewable Energy Laboratory, Carbon Taxes: A Review of Experience and Policy Design Considerations (2009), at 17, <http://www.nrel.gov/docs/fy10osti/47312.pdf>.

<sup>60</sup> Texas A&M University, Possible Funding Options: Statewide Approaches, [http://mobility.tamu.edu/mip/strategies\\_pdfs/financing/technical\\_summary/Carbon-Tax-2-Pg.pdf](http://mobility.tamu.edu/mip/strategies_pdfs/financing/technical_summary/Carbon-Tax-2-Pg.pdf) (giving carbon taxes a 3/5 rating for sustainability and 4/5 rating for reliability).

<sup>61</sup> William S. Gale, Samuel Brown, & Fernando Saltiel, Carbon Taxes as Part of the Fiscal Solution (Mar. 12, 2013), <http://www.brookings.edu/research/papers/2013/03/12-carbon-tax-gale> (reporting study results that British Columbia's carbon tax led to a 9.9% reduction in greenhouse gas emissions, compared to a 4.6% reduction for the rest of Canada, where comprehensive carbon taxes did not apply).

Given these potential advantages, the EIS should clearly identify this option as an alternative and then provide the policy and environmental impact analysis so that public reviewers can understand the pros and cons that NEPA's "hard look" will reveal.

## **6. Additional Sources of Federal, State, or County Funding**

The Columbia River Crossing Final EIS (Chapter 4) provides a summary of federal or state revenue and financing options.<sup>62</sup> WSDOT should also analyze whether the SR-520 Project is eligible for additional federal funding (or, if it has already done so, then it should share its analysis in the EIS so the public can understand the options and impacts), and whether this could help meet the SR-520 Project funding gap or reduce it enough for other funding mechanisms to make sense.

### **D. Alternatives that Combine Funding Mechanisms Are Also "Reasonable Alternatives."**

The City believes it is "practical and feasible" for the agency to examine different combinations of actions, and requests that the draft EIS include such alternatives. The number of combination alternatives would necessarily be limited by each funding mechanism's ability to produce revenue and the size of the budget gap for the SR-520 Project. At the least, WSDOT could create enough combinations to illustrate the range of revenue and environmental impacts associated with different funding strategies.

For instance, the EIS could evaluate the feasibility of and impacts from the Legislature taking action to increase the motor fuel excise tax by less than \$0.03 per gallon and authorize WSDOT to develop express lane tolling on I-90 and other roads and highways around Lake Washington (e.g., SR-522 and the southern diversion route of I-5 and I-405). As WSDOT concedes in its preliminary alternatives matrix, express lane tolling can also reduce congestion and produce up to \$250 million in revenue.

This is exactly the sort of analysis that should help individual legislators and the public understand transportation funding and congestion management. Without any combination alternatives, the EIS's failure to consider a reasonable alternative will leave it vulnerable to NEPA and SEPA challenges.

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<sup>62</sup> FHWA & FTA, Columbia River Crossing Final EIS, at 4-6 to 4-9.

**CONCLUSION**

The City appreciates the opportunity to comment on the expanded scope of NEPA/SEPA review for the proposal to toll I-90 and looks forward to ongoing communications with respect to the purpose and need of the I-90 tolling proposal and the range of reasonable alternatives. As explained in the February 22, 2013 scoping letter, the City believes that this proposal will have significant environmental impact and merits a comprehensive environmental review.

Yours truly,



**William Chapman**

Cc: U.S. Senator Patty Murray  
U.S. Senator Maria Cantwell  
U.S. Representative Adam Smith  
U.S. Representative Dave Reichert  
Victor Mendez, Federal Highway Administration  
Regina McElroy, Federal Highway Administration  
Daniel Mathis, Federal Highway Administration  
Washington Representative Judy Clibborn  
Washington Senator Steve Litzow  
Mercer Island City Council  
Bruce Bassett, Mayor, City of Mercer Island  
Katie Knight, City Attorney, City of Mercer Island  
Noel Treat, City Manager, City of Mercer Island  
Arthur W. Harrigan, Calfo Harrigan Leyh & Eakes, LLP  
Timothy G. Leyh, Calfo Harrigan Leyh & Eakes, LLP

Attachments

**ATTACHMENT A**



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February 22, 2013

**VIA E-MAIL AND US MAIL**

Angela Angove  
Washington State Department of Transportation  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

**Re: I-90 Tolling Proposal Environmental Assessment (EA) Scoping Comments**

Dear Ms. Angove:

This law firm represents the City of Mercer Island ("City") as to WSDOT's proposed tolling of I-90 and the NEPA process associated therewith. We write on behalf of the City to comment on the proposal by the Federal Highway Administration ("FHWA") and Washington State Department of Transportation ("WSDOT") to prepare an Environmental Assessment ("EA") for tolling the Interstate-90 ("I-90") bridge over Lake Washington.

The City is on record as opposing tolling I-90 for the reasons set forth in Resolution 1402.<sup>1</sup> The purpose of this letter is to comment on the NEPA review for tolling. Therefore, this letter will not repeat the many other arguments based in policy, equity, and the law that inform the City's opposition, but rather will focus on issues related to NEPA review. As discussed below, taking a hard look at tolling's environmental effects will demonstrate that the effects are significant and require an EIS, but will also illustrate why FHWA and the state legislature should reject tolling.

These significant environmental effects include regional impacts to a variety of resources, including transportation, air quality, greenhouse gases, and public safety, especially in combination with other tolling plans within the Central Puget Sound Region. In addition, the social and economic impacts to Mercer Island – and other communities – will

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<sup>1</sup> Attached as Exhibit A is a copy of Resolution 1402 (adopted Oct. 6, 2008); the City recently re-affirmed this Resolution and its conclusion that the 1976 Memorandum of Agreement ("MOA") requires that WSDOT must seek the City's concurrence before modifying the structure and operation of I-90.

lead to significant environmental effects.<sup>2</sup> The significance of these impacts makes this a controversial action that under NEPA and WSDOT's own guidance requires an EIS. Within the EIS, both WSDOT and FHWA should develop, evaluate, and consider reasonable alternatives that will fulfill both the funding and congestion reduction objectives and mitigate impacts to all residents of the Central Puget Sound Region.

### **Comments on the National Environmental Policy Act Process**

#### **I. Tolling I-90 Will Have Significant Environmental Effects and WSDOT and FHWA Must Prepare an Environmental Impact Statement.**

Tolling I-90 will affect a wide range of resources, and impacts on some of those resources will be "significant." NEPA requires preparation of an EIS for a "major Federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C) (emphasis added). "If there is a substantial question whether an action 'may have a significant effect' on the environment, then the agency must prepare an Environmental Impact Statement." *Center for Biological Diversity v. National Highway Transp. Safety Agency*, 538 F.3d 1172, 1185 (9th Cir. 2008) (remanding for further NEPA analysis). WSDOT's proposal to prepare an EA fails to recognize that its decision to toll I-90 will have significant impacts.

#### ***A. Tolling I-90 Will Have Significant Impacts to Transportation and Other Related Resources.***

NEPA requires agencies to consider direct effects, which are caused by the action and occur at the same time and place, and indirect effects, which are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(a), (b). The indirect transportation impacts of tolling I-90 will be

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<sup>2</sup> Supporters of tolling sometimes dismiss such potential economic impacts, particularly as such impacts pertain to Mercer Island. This letter provides facts to demonstrate that such impacts are significant and warrant NEPA's "hard look." For instance, a commuter with a toll each way each workday will pay nearly \$1,750 per year for roundtrip, daily tolls. For a person renting an apartment on the North End of Mercer Island who commutes to Seattle or Bellevue, this is equivalent to a rent increase greater than \$140/month. For a person with a \$40,000 annual income, this amounts to a tax increase greater than 4%. WSDOT's Alaskan Way Viaduct EIS accepted the logic that tolling will change behavior and cause impacts; early returns on the SR-520 tolling experiment appear to prove it. If a 4% tax hike at the upper end of the economic scale is worth a decade of national debate, surely a 4% hike at the family wage level merits at least a study of its impacts. These are not trivial impacts and require thorough analysis before the experiment is extended.

particularly significant in the Central Puget Sound Region highway system<sup>3</sup> due to diversion. Both FHWA and WSDOT have previously concluded that tolling (and diversion caused by tolling) can result in potentially significant adverse impacts to transportation resources at a level that requires analysis in an EIS.

The FHWA recently prepared a Supplemental Environmental Impact Statement ("SEIS") for an analogous project in order to analyze the significance of impacts to transportation.<sup>4</sup> The Ohio River Bridges project involved the construction of two new bridges between Louisville, Kentucky, and southern Indiana; after the initial FEIS, FHWA proposed tolling as a source of revenue to pay for the construction work. As part of the SEIS, FHWA conducted an extensive transportation impacts analysis covering three parallel bridges in the same region (not all of which would be tolled) and ultimately concluded that interstate users would divert to secondary and local roads to avoid tolls associated with the bridges.<sup>5</sup>

Similarly, WSDOT's Final Environmental Impact Statement for the Alaskan Way Viaduct Replacement Project also recognized that tolling can cause potentially significant adverse impacts to transportation. The Draft Supplemental EIS and Final EIS analyzed transportation impacts within the Central Puget Sound region and determined that tolling through-traffic on SR 99 (i.e., not cars entering or exiting in downtown) would cause an estimated 40,000 to 45,000 daily trips to shift to I-5 and city streets,<sup>6</sup> that tolling would increase Vehicle Miles Traveled, Vehicle Hours Traveled, and Vehicle Hours of Delay within the region,<sup>7</sup> and that the "diverted traffic and increased congestion would have the

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<sup>3</sup> The study area for this proposal should extend beyond the "Cross-Lake Washington Corridor" described in WSDOT's materials to include the four-county Central Puget Sound Region (King, Kitsap, Pierce and Snohomish counties) that is the relevant planning unit for state and federal transportation planning purposes. Transportation 2040: Toward a Sustainable Transportation System at i (2010)

<http://www.psrc.org/transportation/t2040/t2040-pubs/final-draft-transportation-2040>.

WSDOT used this geographic scope for the Alaskan Way Viaduct Replacement Project traffic analyses. Alaskan Way Viaduct Replacement Project Draft Supplemental Environmental Impact Statement ("DSEIS") (2010) at 208; Alaskan Way Viaduct Final Environmental Impact Statement ("FEIS") Appendix IX at 4 (2011).

<sup>4</sup> 76 Fed. Reg. 8808, 8808 (Feb. 15, 2011).

<sup>5</sup> Ohio River Bridges Final SEIS at 5-11 (Apr. 2012). For the SEIS, the FHWA consultant prepared a 151-page "Louisville-Southern Indiana Ohio River Bridges: Traffic Forecast" to examine the impacts of tolling on air quality, noise, highway capacity, historic resources, and environmental justice. *Id.*, Appendix H.1.

<sup>6</sup> Alaskan Way Viaduct DSEIS at 209-214; Alaskan Way Viaduct FEIS, Appendix IV, at 26 (incorporating DSEIS findings into FEIS).

<sup>7</sup> Alaskan Way DSEIS at 208-09; Alaskan Way FEIS, Appendix IV, at 22-23.

potential to result in effects on the disciplines of environmental justice, historic and cultural resources, air quality, energy and greenhouse gases, and noise.”<sup>8</sup>

The experience with SR-520 also shows that diversion causing significant impacts is likely to happen within the Central Puget Sound Region. Despite WSDOT’s prediction in the SR-520 Variable Tolling EA that transportation impacts due to diversion would be insignificant,<sup>9</sup> WSDOT’s October 2012 update on SR-520 tolling suggested that SR-520 tolling caused greater diversion than anticipated with a 13% increase in traffic on both SR-522 and I-90. SR-522 thus has received an additional 4,000 cars per day; on I-90, this appears to have imposed an additional 15,000 cars per day.<sup>10</sup> The perceived need to mitigate SR-520’s diversion by tolling I-90 further illustrates the significance of these impacts. Depending on the process required to implement I-90 tolls, temporal overlap in the SR-520 and I-90 tolls may cause even more cars to divert to SR-522 and I-405 to avoid paying tolls. Transportation impacts would also be magnified during SR-520 bridge reconstruction when overall capacity is lower than normal and I-90 provides the only direct access across Lake Washington.

Given the interconnectedness of the highways in the Central Puget Sound Region, severe congestion on SR-522 and I-405 may limit the benefits of reduced congestion on I-90.<sup>11</sup> The Alaskan Way DSEIS analysis concluded that all of the toll alternatives under consideration would cause so much diversion to surface streets that vehicle queues would back up on to the SR-99 mainline and degrade SR-99 operations.<sup>12</sup> Given existing congestion, it is likely that tolling I-90 within the geographically larger Central Puget Sound Region will cause similar effects at I-90 interchanges. Regardless of whether WSDOT agrees with the City as to the relative impacts, clearly WSDOT has previously concluded the nature of such impacts are significant; this element of “controversy” merits consideration in an EIS. 40 C.F.R. § 1508.27(b)(4), (5). Whatever the outcome may be, NEPA requires that

<sup>8</sup> Alaskan Way DSEIS at 223; Alaskan Way FEIS, Appendix IV, at 33-41.

<sup>9</sup> SR-520 Variable Tolling Project EA at 5-3 (2009) (anticipating a reduction in cross-lake trips overall and predicting that “the regional transportation network . . . is relatively unaffected by the proposed tolling on SR 520”), 5-5 (estimating 1-3% increase in traffic on SR-522 and I-90), 1-3 (predicting “minimal to no noticeable diversion of traffic to SR-522, I-405, and I-5”), 1-7 (no “cumulative effect on travel patterns” because of “existing capacity restraints” and planned construction on I-90).

<sup>10</sup> For context, WSDOT’s January 2012 SR-520 tolling update reported an increase in traffic on I-90 (11% or 15,000 cars), SR-522 (9% or 4,000 vehicles), I-5 (2% or 4,000 vehicles) in downtown Seattle, and I-405 (5% or 10,000 vehicles) in downtown Bellevue.

<sup>11</sup> The SR-520 Variable Tolling Environmental Assessment (2009) notes that “all routes that cross or go around Lake Washington operate poorly during peak periods due to congestion; these routes include SR 520, I-90, and SR 522.” *Id.* at 5-3.

<sup>12</sup> Alaskan Way DSEIS at 209; Alaskan Way FEIS, Appendix IV, at 22-23.

WSDOT and FHWA at least perform this analysis.

Other factors counsel in favor of an EIS. For instance, diversion to SR-522 and I-405 may also impact public safety by slowing down emergency responders. Actions that pose a threat to public safety are another factor in the determination of whether to prepare an EIS. 40 C.F.R. § 1508.27(b)(2). Given the already congested nature of the roads within the Central Puget Sound Region, WSDOT and FHWA should consider the “significant” cumulative impacts of tolling I-90 on public safety.

In the same vein, the agencies should also consider the significant accompanying impacts to air quality, greenhouse gas emissions (due to increased Vehicle Miles Traveled, Vehicle Hours of Travel, and Vehicle Hours of Delay), and increased likelihood of accidents in an EIS before deciding whether to impose tolls on I-90. Because other roads in the Central Puget Sound Region are already congested, cumulative impacts can be substantial even if the impacts of the I-90 tolling proposal are minimal.<sup>13</sup>

In addition to these significant impacts, the WSDOT Environmental Procedures Manual explains that the agency should prepare an EIS for projects that are “apt to create substantial public controversy.”<sup>14</sup> In addition to the “controversy” regarding this proposal’s impacts (as described above), the project is also “controversial” in terms of public opposition – several hundred people showed up at a recent public meeting to protest tolling I-90. John White of WSDOT recently spoke at the Mercer Island Chamber of Commerce and noted that the Mercer Island scoping meeting was the largest turnout he had ever seen, even when compared to public meetings for the SR-520 and Alaskan Way Viaduct projects. The I-90 tolling proposal is clearly just as “controversial” as these other projects for which WSDOT prepared EISs, which provides another rationale for WSDOT and FHWA to prepare an EIS instead of an EA.

NEPA also requires preparation of an EIS where a proposed action might adversely affect structures listed on the National Register of Historic Places (“NRHP”). 40 C.F.R. § 1508.27(b)(8). Because the Lacey V. Murrow Bridge is listed on the NRHP, WSDOT and FHWA should closely examine any adverse impacts to the structure or aesthetics of the bridge in an EIS.

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<sup>13</sup> WSDOT Guidance on Preparing Cumulative Impact Analyses at 5 (2008) (“The cumulative impact analysis should focus on . . . resources currently *in poor or declining health* or at risk even if project effects are relatively small”).

<sup>14</sup> WSDOT Environmental Procedures Manual at 300-4 (2012).

Finally, the I-90 tolling proposal has no temporal limitation. This was key to WSDOT's analysis of the SR-520 Variable Tolling Project, and this difference should inform WSDOT and FHWA's evaluation of each element of the environment considered in the NEPA process.

*B. WSDOT and FHWA Must Prepare an EIS to Analyze Cumulative Impacts, Including Those Caused by Additional Foreseeable Tolling.*

NEPA requires agencies to consider the "cumulative impacts" of an action, i.e., "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." 40 C.F.R. § 1508.7; *Kern v. Bureau of Land Mgmt.*, 284 F.3d 1062, 1075 (9th Cir. 2002) (noting that both EAs and EISs need to analyze cumulative impacts). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. "It is not appropriate to defer consideration of cumulative impacts to a future date when meaningful consideration can be given now." *Kern*, 284 F.3d at 1075.

Tolling I-90 is one action within an overall plan to impose tolling in the Puget Sound Region on major highways between many communities, including I-405, SR-522 and the mainstem I-5 corridor. Specifically, the Transportation 2040 Plan (the federal Regional Transportation Plan for the Central Puget Sound Region), calls for "additional high-occupancy toll lanes brought into operation in the first decade of the plan" and further calls for partial tolling to fund "major highway capacity projects" with the intent to "manage and finance the highway network as a system of fully tolled facilities."<sup>15</sup> The Plan projects that tolls will increase from \$400 million during the plan's first decade to \$3 billion in the plan's last decade.<sup>16</sup> Chapter 47.56 RCW already authorizes WSDOT to impose tolls on portions of I-5 and I-405,<sup>17</sup> and the Transportation 2040 Plan FEIS clearly depicts all these highway segments (including all of I-5 and I-405 through the Puget Sound Regional Council's four-county planning area) with future tolls.<sup>18</sup> These other tolling actions under the plan are reasonably foreseeable and their cumulative impacts must be reviewed in the I-90 EIS. 40 C.F.R. § 1508.7.

As WSDOT noted in its January 11, 2013 letter commenting on the Gateway Pacific Terminal, "[I]t will be important for the EIS to evaluate the cumulative effects to the state's

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<sup>15</sup> Transportation 2040 at 47 (emphasis added).

<sup>16</sup> *Id.* at 44 (Figure 23).

<sup>17</sup> RCW 47.56.890 (authorizing toll on existing I-5 bridge over Columbia River); RCW 47.56.880 (authorizing tolls on express lanes in I-405 corridor).

<sup>18</sup> Transportation 2040 Final Environmental Impact Statement ("FEIS") at 3-39 (2010). Exhibit 3-17 (attached to this letter as Exhibit B) is an illustration of the "Preferred Alternative Tolling Scenario."

transportation system of this proposal in light of other similar proposals.”<sup>19</sup> Perhaps the most striking deficiency in WSDOT's environmental review proposal is its disregard for the cumulative impacts of the tolling proposed in the region's adopted plan. Clearly this is a proposal where the system-wide cumulative effects of similar tolling proposals as outlined in "Transportation 2040" should be examined in one project specific EIS now that a specific proposal is on the table.<sup>20</sup>

*C. Tolling I-90 Will Have Significant Local Impacts to Social and Economic Resources on Mercer Island.*

The effects analysis extends to social and economic impacts where such impacts are interrelated with natural and physical effects. 40 C.F.R. § 1508.14; *City of Rochester v. U.S. Postal Service*, 541 F.2d 967, 973-74 (2d Cir. 1976) (remanding for preparation of an EIS where U.S. Postal Service failed to consider “substantial environmental effects” such as increasing commuter traffic by car; loss of job opportunities; departure of residents to other communities; and the ultimate economic and physical deterioration of the community); *see also Trinity Episcopal School Corp. v. Romney*, 523 F.2d 88, 93-94 (2d Cir. 1975) (noting that NEPA “must be construed to include protection of the quality of life of city residents” and criticizing the agency for failing to consider the proposed action’s effects on urban factors such as traffic; parking; neighborhood stability; implications for the city's growth policy; and overall urban decay). WSDOT itself has called for agencies conducting NEPA analyses to “assess economic benefits and impacts . . . to local and state economies.”<sup>21</sup> The City believes that these impacts require preparation of an EIS, but also asks that regardless of the form of the NEPA analysis, WSDOT and FHWA should address these social and economic impacts during the NEPA process.

Tolling I-90 will significantly impact social and economic resources on Mercer Island and it is reasonably foreseeable that these social and economic impacts will lead to the environmental degradation of Mercer Island. Tolling I-90 will make Mercer Island less attractive to businesses, residents, and employees. In the long-term, this could lead to vacancies in commercial and residential property and undermine the City’s efforts (consistent

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<sup>19</sup> Letter from Stephen T. Reinmuth, WSDOT, to GPT/BNSF Custer Spur EIS Co-Lead Agencies, re: Gateway Pacific Terminal Environmental Impact Statement Scoping Comments (Jan. 11, 2013) (hereinafter “WSDOT Letter (Jan. 11, 2013)”).

<sup>20</sup> The Transportation 2040 FEIS only analyzed alternatives which included some form of tolling or user fees, which provides no basis for the relevant comparison here. Transportation 2040 FEIS at 3-6. *See also* Alaskan Way Viaduct DSEIS at 206 (recognizing that “[a]s appropriate for long-range Regional Transportation Plans, the *Transportation 2040 Final EIS* did not identify specific impacts from tolled projects or cumulative impacts from multiple tolled projects occurring at once.”).

<sup>21</sup> WSDOT Letter (Jan. 11, 2013).

with the Growth Management Act) to create a vibrant economic town center that is integrated with the region and will accommodate a certain level of anticipated growth. WSDOT and FHWA should prepare an EIS to analyze how these significant impacts to businesses, community cohesion, and real estate values will weaken the tax base of the Mercer Island City and School District, modify land use, and degrade the physical environment on Mercer Island. *See West 514 v. Spokane Cty.*, 53 Wn. App 838, 847-48, 770 P.2d 1065 (1989) (recognizing need for EIS under the State Environmental Policy Act (SEPA) to analyze blight impacts of regional shopping center on downtown of city); WAC 197-11-444(2)(b) (including land use as an "element of the environment" which requires analysis under SEPA).

Because there is no public access to Mercer Island other than I-90, WSDOT and FHWA should carefully consider the many ways in which tolling I-90 will have significant effects on community cohesion and the Mercer Island economy as discussed below.

#### **Impacts to the City, School District, and Mercer Island Businesses**

WSDOT and FHWA should analyze the average cost that tolling I-90 would impose on employees of the City of Mercer Island, the Mercer Island School District, and a variety of Mercer Island businesses. Employees might have to pay just to get to work,<sup>22</sup> while employees of Seattle and Eastside businesses have the option of diverting to I-405 and SR-522. The Island hosts a wide variety of businesses ranging from Farmers Insurance to the numerous day care facilities and private schools scattered all over the Island; many of these employees live off-Island. For full time employees who work on Mercer Island, this amounts to an annual pay cut in the thousands of dollars and a disproportionate contribution toward the SR-520 bridge. For tutors and coaches who might spend 2-3 hours on the Island at a time for fairly limited wages or employees of day care facilities and service-oriented businesses (e.g., Starbucks), paying the toll constitutes an even larger pay cut. Simple economics suggests that Island employers will have to subsidize the tolls for their employees, raise salaries, or accept that it will be difficult to attract and keep good employees.

The City and School District would be in a similar position. Nearly all City employees (218 of 225 employees) and roughly two-thirds (333) of School District employees live off Island. The School District Board of Directors recently estimated that it would cost the District \$500,000 to cover the cost of the toll for the 180 school days per year, which assumes a relatively low toll (the same rate currently imposed on SR-520) and does not include summer-time teacher training. Assuming the same toll rate and 240 working days per year (i.e., excluding two weeks of vacation and ten days of public holiday), the City can either spend more than \$375,000 per year to do the same or ask each of its employees to assume more than \$1,700 per year in additional commuting costs. Like Mercer Island

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<sup>22</sup> The SR-520 peak hours toll is currently \$7.18 per day round-trip.

businesses and the School District, the City would have to divert money from operations and capital improvements just to retain current employees.

WSDOT and FHWA should also analyze the average cost (e.g., decline in revenue, reduced competitiveness vis-à-vis off-Island businesses) that tolling I-90 would impose on Island businesses and City revenues. Imposing an I-90 toll will increase the cost of raw materials and the cost of shipping finished products; these changes will affect the bottom line of every business on the Island. The toll will also make it difficult for businesses on the Island to attract consumers and clients from off Island. This includes a wide variety of service and food establishments which might otherwise attract customers from Seattle or Bellevue, medical and other professionals whose clients span the Puget Sound region, and the Mercer Island Youth and Family Services ("MIYFS") Thrift Store. In the case of the Mercer Island Community Event Center, which hosts weddings, fundraisers, and a wide variety of other large-scale events, the toll will reduce the Center's utilization rate (and the City's revenue) if organizers have to ask their guests to pay several dollars in tolls just to attend the event. Limiting access to the Island will hit certain types of organizations particularly hard, including Youth Theatre Northwest, the Jewish Community Center and other groups that offer entertainment and services.

WSDOT and FHWA should consider the effect of these social and economic impacts on real estate occupancy rates on Mercer Island. A small percentage of commercial real estate on Mercer Island is currently unoccupied due to the recession; the toll (and its related economic impacts to businesses) will make Mercer Island less attractive to businesses currently on the Island. In the long term, tolling I-90 will make it more difficult to fill the existing vacancies and draw new businesses to Mercer Island businesses to replace the ones which choose to leave.

### **Impacts to Mercer Island Residents**

WSDOT and FHWA should estimate the average cost of tolling for Mercer Island households, especially the most financially vulnerable households, and prepare data that permits comparison to other communities in the region. By our rough calculations, Mercer Island makes up only 3% of the households in the region, but may end up paying for 20% of the remaining SR-520 bridge funding.<sup>23</sup> Indeed, some families estimate that imposing a \$4 toll will cost them more than \$5,000 per year. This is an exorbitant amount for Mercer Island residents to pay, especially given the inaccessibility of the SR-520 bridge.

Tolling will impose an even more disproportionate burden on Mercer Island residents

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<sup>23</sup> The population of Mercer Island comprises 3% of the 700,000 people who live in Bellevue, Mercer Island, and Seattle, and Islanders' trips are roughly 20% of the total trips across the I-90 bridge.

who live on a fixed income. For instance, roughly 20% of Mercer Island's 23,000 residents are 65 years of age or older (compared to 12% of King County's population). Mercer Island's population is not large enough to host as wide a variety of medical professionals as Seattle and Bellevue, so residents must leave the Island to obtain critical services. For those elderly residents who live on a fixed income and rely on automobile access to their off-Island doctors, tolling I-90 at a level equivalent to SR-520 would present a serious hardship.

Similarly, tolling will cause a decline in revenue for the MIYFS Thrift Store, which sells gently used, high-quality items and uses the proceeds to fund mental health counseling, school counselors, emergency assistance, and other human services programs for low-income Mercer Island residents. More than 200 households sought the MIYFS's food bank and emergency financial services in 2012. We estimate that roughly 35% of the Thrift Shop's customers come from off-Island. Imposing a toll will make it less attractive for bargain-hunters to visit the Thrift Shop, and thus negatively impact MIYFS services and the low-income Mercer Island residents it supports.

WSDOT and FHWA should evaluate the social and economic impacts of reduced access to off-Island establishments (e.g., performing arts venues, sporting venues, civic events, museums, recreational opportunities and shopping). While Mercer Island is a distinct community, it considers itself a part of the greater Puget Sound region and its residents enjoy the opportunities offered in neighboring cities. Tolling I-90 means that Mercer Island residents cannot access any of these amenities without paying a toll, unlike every other community in the Puget Sound which has untolled alternate routes.

### **Impacts to Non-Residents and Island Establishments Which Attract Non-Residents**

WSDOT and FHWA should evaluate and attempt to quantify the economic and social impacts for the religious and educational institutions which currently attract off-Island visitors and low-income individuals who patronize these establishments (e.g., reduced attendance or decline in revenue or donations). For instance, Mercer Island hosts a synagogue serving much of the Puget Sound area, and many churches on the Island draw from populations in neighboring communities. Mercer Island Presbyterian Church has historically partnered with churches in low-income regions throughout the Puget Sound region. Depending on personal financial resources, tolling will discourage and impair some individuals from observing their religious beliefs with other members of their communities. Consider this simple fact -- a daily or weekly two-way toll on an annual basis would be a significant part of the collection plate or the charitable donation for many who commute to religious institutions.

Mercer Island also hosts private schools such as Northwest Yeshiva High School, the French American School, and various pre-schools that attract off-Island students. Roughly 70% of the students from St. Monica's Parish School come from off Island, as do 30% to

50% of students at various preschools. At the French American School, a full quarter of the students at the French American School receive a scholarship (up to a 90% discount on tuition). Tolling I-90 could interfere with the ability of a low-income family to take advantage of these educational opportunities and impair the ability of these institutions to thrive on Mercer Island.

WSDOT and FHWA should comprehensively analyze the significant social, economic, and environmental impacts in communities east and west of the I-90 bridge due to the toll severing this important arterial. WSDOT itself recently advocated a broad geographic scope of NEPA review for a proposed action that it believed would have widespread impacts to the transportation system and other resources.<sup>24</sup> While the cities in the Central Puget Sound Region are diverse, our communities are integrated in many ways. Tolling I-90 will have the effect of increasing distances between the cities, particularly for the elderly and individuals of modest means (e.g., students). For instance, residents of both Mercer Island and Seattle frequently use I-90 to access the extensive wilderness recreation areas, and many of those individuals volunteer to restore and maintain those resources. Some communities east of the bridge rely heavily on the economic contributions of these avid hikers, bikers, and conservationists. Tolling I-90 will hamper habitat restoration efforts, reduce social benefits to the volunteers, deter recreation-related tourism, further burden the state and federal agencies who rely heavily on volunteers to maintain wilderness areas for recreation purposes, and ultimately the direct social and economic impacts will lead to indirect environmental impacts. If crossing the bridge in the opposite direction, tolls will discourage residents of east-side communities from accessing the many educational and cultural resources in Seattle. Impacts to social, economic, and natural resources will extend both east and west of the I-90 bridge over Lake Washington.

In sum, WSDOT and FHWA should thoroughly examine the scope and extent of these impacts during its NEPA review. Moreover, because the impact to social and economic resources is likely to cause significant environmental degradation within the local context of Mercer Island, WSDOT and FHWA should analyze these impacts in detail in an EIS and strongly consider mitigation measures that preserve "equitable and dependable access."

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<sup>24</sup> WSDOT Letter (Jan. 11, 2013).

## II. WSDOT and FHWA Must Consider a Reasonable Range of Alternatives.

NEPA requires agencies to consider all reasonable alternatives. *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 198 (D.C. Cir. 1991). The purpose of the I-90 tolling project is currently defined to include: (1) raise revenue for substantial transportation improvements in the "Cross-Lake Washington Corridor"; and (2) help alleviate congestion on I-90 between I-5 and I-405.<sup>25</sup> As currently drafted, this combination of purposes sharply limits the alternatives analysis. *Id.* ("An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality.").

### A. *The No Action Alternative Should be Reviewed As a Valid Policy Choice.*

NEPA requires review of the No Action Alternative. 40 C.F.R. § 1502.14(d). Careful review of the No Action Alternative is particularly warranted here for two reasons. First, the 1976 Memorandum of Agreement is based on the understanding that I-90 is the only public access to Mercer Island. WSDOT and the FHWA recognize the Agreement as an "existing commitment" and part of the "local transportation planning process." Second, the policy alternative of not tolling the system, or its parts, was not analyzed in the Transportation 2040 Plan and Final Environmental Impact Statement<sup>26</sup> and it is critical for the legislature to have an accurate understanding of the No Action Alternative and its impacts so that it can understand the changes that tolling would create. *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 837 (D.C. Cir. 1972) ("NEPA was intended to provide a basis for consideration and choice by the decisionmakers in the legislative as well as the executive branch"). While it should be no surprise that the City continues to fight to ensure "equitable and dependable access" to the Island, it is important to recognize that NEPA, properly done, will enable the legislature to fully consider issues of equity and access for the system as a whole, by providing information that allows a meaningful comparison of the No Action Alternative to other options.

### B. *The Alternatives Should Include Different Combinations of Revenue Tools in Transportation 2040.*

As a threshold matter, even if the narrow purpose statement is accepted, this does not limit the scope of environmental review to various tolling options. WDOT and FHWA are required by law to examine the range of reasonable alternatives, *Headwaters, Inc. v. Bureau of Land Mgmt.*, 914 F.2d 1174, 1180 (9th Cir. 1990) (in evaluating whether an agency considered a reasonable range of alternatives, "the touchstone for our inquiry is whether an

<sup>25</sup> WSDOT Scoping Notice (Jan. 24, 2013).

<sup>26</sup> See Transportation 2040 FEIS at 3-6 (noting that all Plan alternatives include tolling).

EIS's selection and discussion of alternatives fosters informed decision-making and informed public participation.”), and there are clearly other reasonable mechanisms for raising revenue and/or alleviating congestion.

Instead, WSDOT and FHWA should consider alternatives which combine mechanisms for funding and reducing congestion on I-90. This is consistent with WSDOT's recent recommendation that the U.S. Army Corps of Engineers should conduct an expansive alternatives analysis for the construction of the Gateway Pacific Terminal in Bellingham, WA.<sup>27</sup> To address potential transportation impacts to the Edmonds ferry, WSDOT suggested that the Corps should analyze the reasonable alternative of relocating the ferry terminal.<sup>28</sup> At the very least, WSDOT and FHWA should analyze the impacts of tolling on Mercer Island's many Seattle-region educational facilities, including St. Monica's Parish School, Northwest Yeshiva High School, and the French-American School, and develop alternatives that would mitigate such impacts.

The City of Mercer Island asks for examination of less extreme alternatives here. The Puget Sound Regional Council (“PSRC”) issued the “Transportation 2040” Plan in order to guide regional transportation planning for the four-county Central Puget Sound Region (King, Kitsap, Pierce and Snohomish counties).<sup>29</sup> The Transportation 2040 Plan relies on several funding options – not just tolling – and explicitly includes continuation of and expansion upon the traditional financing scheme (retail sales tax, fuel sales tax, etc.).<sup>30</sup> Another alternative could be imposition of a gas tax, as recently proposed in the Washington House of Representatives.<sup>31</sup> This recent legislative activity – and the requirement of legislative approval for the proposal and any alternatives thereto – makes it especially important that WSDOT and FHWA analyze traditional funding mechanisms in the NEPA process. *Natural Resources Defense Council v. Morton*, 458 F.2d at 837.

C. *The Alternatives Analysis Should Include Different Levels of Tolls and Different Geographic Coverage.*

To the extent that WSDOT and FHWA proceed with tolling, the agencies should follow the Transportation 2040 Plan, which explicitly recognizes the need for a “nexus” between the road being tolled and the road being improved.<sup>32</sup> For the near-term “high-occupancy toll lanes and individual facility toll financing” contemplated in the

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<sup>27</sup> See WSDOT Letter (Jan. 11, 2013).

<sup>28</sup> *Id.*

<sup>29</sup> Transportation 2040 at i.

<sup>30</sup> *Id.* at 45.

<sup>31</sup> Andrew Garber, *House Democrats to Propose \$6 Billion Transportation Package*, THE SEATTLE TIMES (Feb. 12, 2013).

<sup>32</sup> Transportation 2040 at 45.

Transportation 2040 Plan, the Plan anticipates that such “toll revenues are essentially dedicated to making the investments in these corridors possible.”<sup>33</sup>

Alternatives might, for example, combine tolls on the new SR-520 bridge (after construction) and other congestion relief methods for I-90. *N. Buckhead Civic Ass’n v. Skinner*, 903 F.2d 1533, 1542 (11th Cir. 1990) (“a discussion of alternatives that would only partly meet the goals of the project may allow the decisionmaker to conclude that meeting part of the goal with less environmental impact may be worth the tradeoff with a preferred alternative that has greater environmental impact”); *Town of Mathews v. U.S. Dep’t of Transp.*, 527 F. Supp. 1055, 1057 (W.D.N.C. 1981) (invalidating alternatives analysis because NEPA “does not permit the agency to eliminate from discussion or consideration a whole range of alternatives, merely because they would achieve only some of the purposes of a multi-purpose project.”). WSDOT and FHWA should analyze the transportation impacts of such an alternative; some combination of congestion relief and the forthcoming I-90 HOV lanes may sufficiently alleviate congestion to make other (more equitable) funding mechanisms viable.

The Transportation 2040 Plan also recognizes that broad geographic tolling (i.e., including all of the I-450 lanes, I-5, and SR-522) would be more effective at balancing revenue and impacts.<sup>34</sup> WSDOT and FHWA should consider imposing lower tolls on more roads within the Central Puget Sound Region to meet the stated purposes, be more consistent with the Transportation 2040 Plan, and spread burdens more equitably between Central Puget Sound Region communities.

*D. The Alternatives Analysis Should Thoroughly Explore Subalternatives to Mitigate Impacts to Mercer Island.*

To the extent that WSDOT and FHWA proceed with tolling, the agencies should carefully consider options that balance the burden between Mercer Island residents and employees and those who directly benefit from replacement of the SR-520 bridge. As WSDOT knows, there are many potential refinements – or subalternatives – within the tolling alternative that should also be examined carefully:

1. Segmented Tolls
2. Only pay the toll if you drive the entire bridge (e.g., placement of gantries at east and west ends of bridge; no charge unless a car passes both gantries)

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<sup>33</sup> *Id.* at 48 (“Guidance on the Use of Tolling Revenues”).

<sup>34</sup> Transportation 2040 at 46 (“Generally, the effectiveness of congestion tolling is the greatest with broad geographic coverage. Broader coverage can reduce the problem of diverted traffic: traffic that is ‘tolled-off’ the priced facility and now is using and congesting other roadways.”).

3. Only pay the toll if you drive in a designated direction
4. Pay no more than one toll per day
5. Pay tolls only when returning to Mercer Island
6. Provide an annual pass (cap) for tolls paid by Mercer Island residents and employees
7. Reduced toll for trips only to/from Mercer Island

The NEPA document should also acknowledge that depending on how tolling is implemented, Mercer Island residents will not necessarily have the same access to transit options to mitigate these impacts. WSDOT's own data show that unlike park and ride spaces in Bellevue, Kirkland or Sammamish, over one half of the spaces are used by non-Mercer Island commuters that travel to the Island. Depending on how WSDOT implements tolling, this problem may worsen if commuters park on the Island and switch to the bus or light rail in order to avoid paying the toll. Thus, the provision of park and ride spaces does not necessarily provide dependable or equitable access to Mercer Island residents who are unable to use the majority of spaces and have no access to such spaces after approximately 7:30 a.m. when the lot is full. Depending on the extent to which WSDOT and FHWA's implementation of tolling minimizes impacts to the City and its residents, the EA or EIS should provide for mitigation to offset the disproportionate impacts to Mercer Island residents.

## **Conclusion**

- Under NEPA, agencies must prepare an EIS where there is a "substantial question" that an action's effects will be significant. In prior EISs, WSDOT and FHWA recognize that tolling causes diversion and the impacts of such diversion can be significant (and thus require preparation of an EIS). The City has provided more than enough information to show that diversion is likely to have significant impacts in the Central Puget Sound Region; WSDOT and FHWA should prepare an EIS.
- The proposal to toll I-90 is merely one action in a menu of transportation choices laid out – but not thoroughly analyzed for NEPA purposes – in the Transportation 2040 Plan and FEIS. This proposal presents the perfect opportunity for WSDOT and FHWA to fulfill their obligations under NEPA to fully examine the cumulative impacts of tolling I-90 and other roads in the Central Puget Sound Region.
- Tolling I-90 will cause a wide range of social and economic impacts which are likely to cause environmental degradation in the long term. WSDOT has advocated in favor of an expansive review of economic impacts to the state and local economies for other projects, and the City of Mercer Island requests that WSDOT and FHWA prepare an EIS to analyze these impacts here.

Angela Angove  
February 22, 2013  
Page 16

- WSDOT and FHWA should consider a reasonable range of alternatives, which must include a full analysis of the No Action alternative, different combinations of revenue tools in the Transportation 2040 Plan, different levels and geographic scope of tolling options, and sub-alternatives that mitigate impacts to Mercer Island and other Central Puget Sound residents.

The City of Mercer Island looks forward to further discussions regarding solutions that meet the State's funding needs, preserve "equitable and reliable access" to Mercer Island, and address congestion on I-90. Thank you for the opportunity to participate in the National Environmental Policy Act ("NEPA") process.

Very truly yours,

K&L GATES LLP

By

William H. Chapman

A handwritten signature in black ink, appearing to read "W. H. Chapman", written over a horizontal line.

# **EXHIBIT A**

**CITY OF MERCER ISLAND  
RESOLUTION NO. 1402**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON  
REGARDING TOLLING ON LAKE WASHINGTON BRIDGES.**

**WHEREAS**, the geographic position of Mercer Island, separated from the mainland on all sides, means those who live and work on the Island cannot leave their community without using I-90; and

**WHEREAS**, if tolls are imposed on the I-90 bridges, Mercer Island residents, unique among all others in the Puget Sound region, would have to pay a fee penalty each time they traveled to or from their city; and

**WHEREAS**, Mercer Island is a small and primarily residential community of 22,000, with limited medical care, other professional services, retail and entertainment opportunities on the Island, thereby requiring access to the mainland to fulfill the needs and obligations of daily living; and

**WHEREAS**, if a proposal to toll I-90 across Lake Washington is advanced, the Department of Transportation and Washington State Transportation Commission are obliged under the terms of paragraph 14 of the 1976 Memorandum of Agreement to "take no action which would result in a major change in either the operation or the capacity of the I-90 facility without prior consultation with and the involvement of the other parties [to the Memorandum of Agreement], with the intent that concurrence of the parties be a prerequisite to Commission action to the greatest extent possible under law."

**WHEREAS**, The Washington State Highway Commission originally approved 10 lanes for I-90, 4 general purpose lanes west bound, 2 transit lanes, and 4 general purpose lanes east bound (4-2T-4); and

**WHEREAS**, both the original and amended I-90 Environmental Impact Statements (EIS) were based on this configuration; and

**WHEREAS**, Mercer Island was projected to generate almost one full lane of traffic into Seattle; and

**WHEREAS**, Mercer Island has already made significant sacrifices in agreeing to give up the 4th general purpose lane for the right of Mercer Island traffic to use the transit lanes on a third priority basis

**WHEREAS**, the I-405 final environmental impact statement (FEIS) approved on June 10, 2002 and issued on June 28, 2002 is a comprehensive analysis studying the major transportation corridors east of I-5 and including the operation of I-90; and

**WHEREAS**, the I-405 Corridor Program Record of Decision documents the FEIS as approved by 24 agencies; and

**WHEREAS**, the Mercer Island City Council has consistently asserted the City's right and responsibility to protect Island residents, businesses and visitors from degradation of their mobility to and from the Island; and

**WHEREAS**, plans are now underway to replace the failing SR 520 bridge across Lake Washington, and \$1.5 to \$2 billion more is needed to fund the bridge replacement project; and

**WHEREAS**, roadway tolling has been identified as one of the possible revenue sources for the needed project funding; and

**WHEREAS**, tolling SR 520 in order to generate revenue to fund replacement of the 520 bridge places the responsibility for payment on those who actually use 520, but tolling I-90 to help fund 520 places a burden on those who do not and will not directly benefit; and

**WHEREAS**, the 520 Tolling Implementation Committee appointed by the State Legislature is charged with evaluating the feasibility of raising the needed funds through tolling on 520 and possibly also tolling on I-90; and

**WHEREAS**, the Tolling Committee's initial evaluation results indicate that more than enough revenue would be collected if I-90 were tolled in addition to 520 given the initial toll rate assumptions; and

**WHEREAS**, these initial evaluation results also show only a small diversion of traffic from SR 520 to I-90 if tolls are collected on SR 520 alone; and

**WHEREAS**, the Tolling Committee is also evaluating the "reasonableness" of tolls that might be imposed on one or both of the cross-Lake Washington bridges, and reasonableness includes the concept of equity; and

**WHEREAS**, the citizens and businesses of Mercer Island will be uniquely and unfairly impacted if tolls are exacted on their travel to and from their community; and

**WHEREAS**, tolling I-90 to pay for a new SR-520 bridge would place a disproportionate share of the costs on Mercer Island residents

**WHEREAS**, under State and Regional Growth Management principles all jurisdictions must achieve a balance between housing and employment, and for Mercer Island this requires daily in-migration of employees, and tolls on I-90 would be a material barrier to achieving this important goal; and

**WHEREAS**, the 520 Tolling Implementation Committee has requested input on their initial evaluation results from all affected communities and their elected representatives,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Mercer Island as follows:

**SECTION 1.**

Any proposal to toll I-90 across Lake Washington would constitute an action resulting in a major change in the operation and capacity of the I-90 facility and therefore would trigger the consultation and concurrence provisions contained in paragraph 14 of the Memorandum of Agreement.

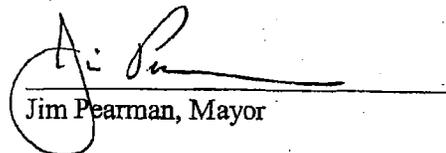
**SECTION 2.**

Both the continuous HOV lanes planned for construction between Seattle and Bellevue and across Mercer Island on I-90 (R8A) and the consultation and concurrence prerequisites of the Memorandum of Agreement must be completed prior to implementation of tolling on I-90.

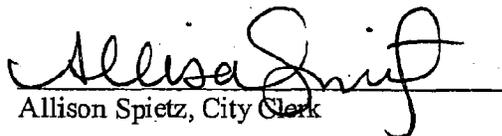
**SECTION 3.**

Tolls must not be imposed on travel to and from Mercer Island on I-90, the only means of public access to and from the Island.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND,  
WASHINGTON AT ITS REGULAR MEETING ON THE 6<sup>th</sup> DAY OF OCTOBER, 2008.

  
Jim Pearman, Mayor

ATTEST:

  
Allison Spietz, City Clerk

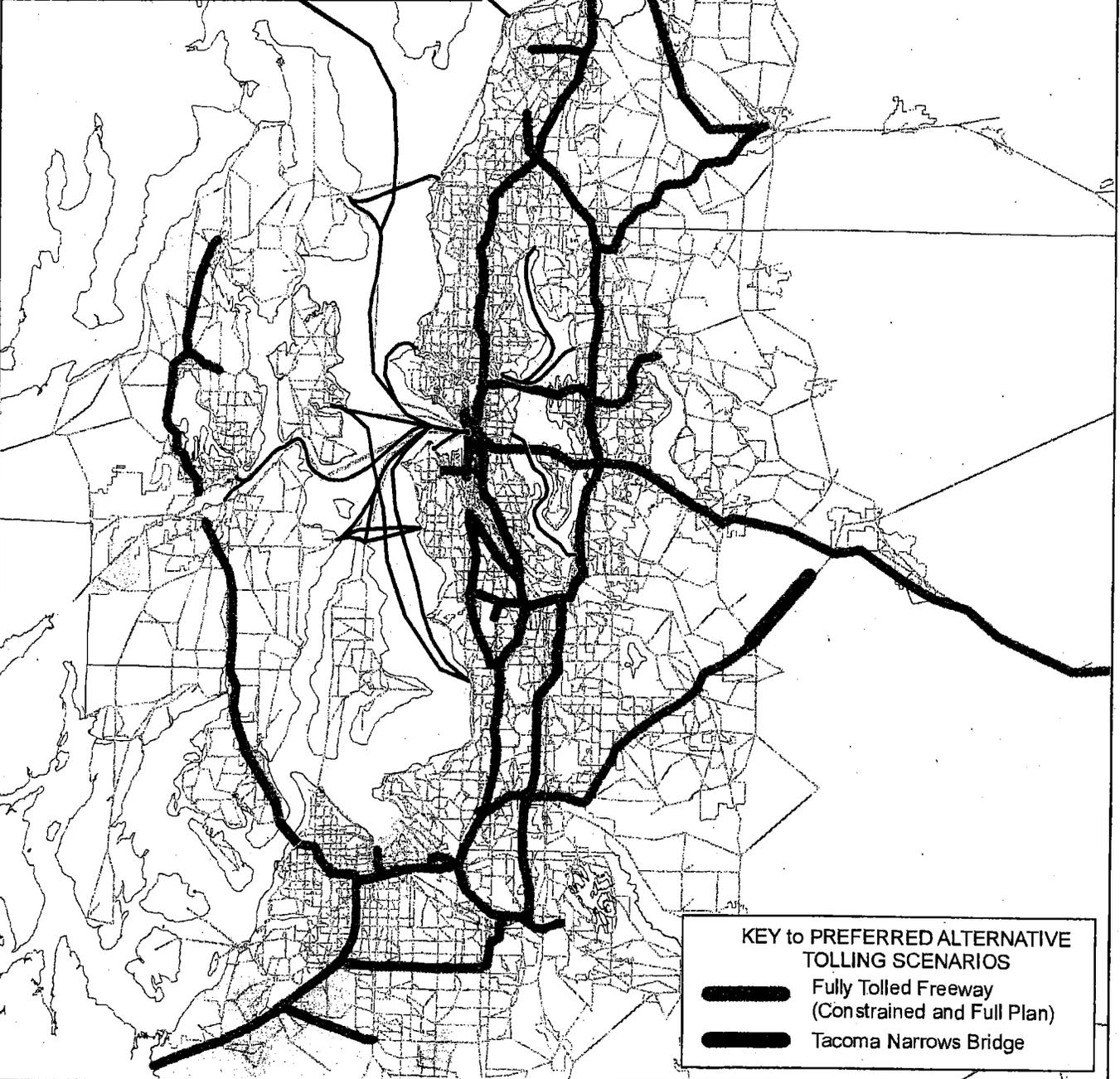
# EXHIBIT B

# Exhibit 3-17 Preferred Alternative Tolling Scenario

**NOTES:**  
The Preferred Alternative in the Full Plan (includes Unprogrammed element) is defined as representing a range of user fees "such as extended VMT, system tolling, and other user fees". For analysis purposes highway and arterial tolling, plus a VMT charge, were used to represent the extent of that range of user fees.

Note also that the ferry route configuration is different between the Constrained and Full analyses of the Preferred Alternative.

**Preferred Alternative**  
See Note



**KEY to PREFERRED ALTERNATIVE TOLLING SCENARIOS**

-  Fully Tolled Freeway (Constrained and Full Plan)
-  Tacoma Narrows Bridge

**ATTACHMENT B**



## Washington State Legislature

October 15<sup>th</sup>, 2013

Secretary Lynn Peterson  
WA State Department of Transportation  
PO Box 47316  
Olympia, WA 98504

Dear Secretary Peterson,

We are writing with concern stemming from recent conversations with Craig Stone and others from the Washington State Department of Transportation (WSDOT) Tolling Division. It has come to our attention that WSDOT is misconstruing a proviso we sponsored as an amendment to the transportation budget that requires the Department to complete a full Environmental Impact Statement to study the impacts of tolling Interstate 90.

The Department is using the phrase "traffic management" from the proviso as an equivalent to "congestion relief." Because the Department views tolling as a congestion management tool, the proviso is being used to require the EIS include tolling I-90 as a means to alleviate congestion. By focusing on congestion relief, WSDOT would exacerbate the impacts on Mercer Island residents and businesses by reducing visits to Mercer Island via I-90.

This proviso was based on SB 5846, which directed the Department to explore options to mitigate any disproportionate impacts that would be felt by the residents as a result of tolling. The intent section of SB 5846 is as follows:

*The legislature recognizes that the state route number 520 floating bridge project is facing a funding shortfall, and that imposing tolls to cross Lake Washington on Interstate 90 is being considered as a revenue source to complete the state route number 520 project. The legislature recognizes further that such tolls may disproportionately impact the residents who must traverse a portion of Interstate 90 to access employment and necessary medical services. Therefore, and in response to concerns raised by local governments regarding this disproportionate impact on their citizens, the legislature intends to direct the department of transportation to explore options to mitigate any disproportionate impact that would be felt by these residents as a result of such tolling.*

The true intent of the proviso was to study ways to mitigate the adverse impacts of tolling on the affected community, not to study the use of tolling as a traffic management tool. The Department's focus on congestion relief does not address financial impacts to affected citizens. It would be unwise for the Department to proceed with the EIS based on its interpretation of this provision as it violates legislative intent and the law.

If you have any questions or would like to discuss this further please do not hesitate to contact us.

Sincerely,

Senator Steve Litzow  
Senate Transportation Committee  
41<sup>st</sup> Legislative District

Representative Judy Clibborn  
Chair, House Transportation Committee  
41<sup>st</sup> Legislative District

Cc: Senator Curtis King, Co-Chair, Senate Transportation Committee  
Senator Tracey Eide, Co-Chair, Senate Transportation Committee  
Mercer Island City Council

# **ATTACHMENT C**

Attachment C: List of Funding and Congestion Reduction Alternatives

- a. Vehicle mileage traveled (VMT) fees / "Network Tolling"
- b. WSDOT should seriously consider other types and levels of tolling - e.g., tolling at lower rates, tolling segments, or only tolling the HOV lanes - to mitigate congestion
- c. Network tolling for the Puget Sound region
  - i. Different toll rates
  - ii. With and without variable pricing
  - iii. All lanes or only HOV lanes
  - iv. Different geographic tolling options
- d. High Occupancy lane Tolls (HOT) Lanes on I-90
- e. Express Toll Lanes on I-90
- f. State and federal grants, loans, etc.
- g. Increase in motor fuel excise tax (state, federal, or county)
- h. Registration and license fees
- i. Other state or county taxes and fees (e.g., retail tax on fuel)
- j. Property taxes
- k. Statewide Motor Vehicle Excise Tax
  - i. Eliminated a few years ago by voter initiative, but can be reinstated
- l. Carbon tax on transportation fuels
- m. Investments in transit to provide alternatives to the network of roads and highways around Lake Washington
- n. Installation of transportation management technology throughout the network of roads and highways around Lake Washington
- o. Combinations of revenue tools and traffic management measures
- p. Public-Private Partnerships
- q. Alternatives that combine different funding and congestion management mechanisms to meet the funding gap for the SR-520 bridge replacement project and the congestion goals for I-90
- r. Modification of SR-520 proposal to reduce budget gap

- s. Increase fuel tax revenue by eliminating fuel tax exemptions and identifying and eliminating abuse of fuel tax exemptions
- t. Impose fees on vehicles using alternative fuels (e.g., biodiesel, electric, hybrid) so that operators of these vehicles contribute to the upkeep of highways on a basis similar to that of other users
- u. Create Transportation Improvement District for property near the unfunded portion of the SR-520 Project
- v. Pay-per-mile or pay-per-minute car insurance
- w. Cordon pricing for entry into or parking in areas that draw commuters and contribute to peak hour congestion

**ATTACHMENT D**



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 22, 2013

The Honorable Doug Ericksen  
The State Senate  
42<sup>nd</sup> Legislative District  
PO Box 40442  
Olympia, WA 98504-0442

**RE: Authority and Rationale for Gateway Pacific Terminal Environmental Review**

Dear Senator Ericksen:

Thank you for your letter of August 1, 2013, asking for details about the direction the Washington Department of Ecology recently provided to its contractor regarding the preliminary scope of environmental review for the proposed Gateway Pacific Terminal (GPT) in Whatcom County. My staff and I put considerable thought into developing the scope of this environmental review.

Ecology is taking the first step in the State Environmental Policy Act (SEPA) process – conducting the analysis needed to issue a draft environmental impact statement (EIS). Ecology is not making final SEPA decisions or permitting decisions at this time. Further, Ecology is not making a determination for or against the GPT proposal. The cornerstone of SEPA is the requirement that agencies be fully informed of and consider the environmental impacts of proposed actions before making final agency determinations (RCW 43.21C.030). I truly believe that Ecology is fulfilling that cornerstone requirement.

Ecology's primary goal has been – and will continue to be – overseeing a fair, objective, and rigorous environmental review of the impacts related to the proposed GPT project. Ecology is also committed to doing this work in a timely, transparent, and efficient manner.

As part of the process for initiating work on the EIS, we developed a preliminary scope of review. This preliminary scope is subject to change based on information learned during the process. We developed the preliminary SEPA scope based on the agency's assessment of the

The Honorable Doug Ericksen  
August 22, 2013  
Page 2

probable, significant, adverse environmental impacts associated with the specifics of the GPT proposed project, consistent with SEPA.

Following an anticipated two-year process to develop a draft EIS, the public will have the opportunity to review and comment on that document. Ultimately, Ecology must issue a final EIS that is informative for decision makers and the public, as well as legally sound.

As requested, below is more detail on the authorities and rationale for the direction Ecology provided its contractor regarding the scope of the EIS for the GPT proposal. We hope these details are helpful to you. You asked about four specific topics. We address each in turn.

### **Statutory Authority**

The first question asks about the authority under SEPA to consider the environmental impacts associated with a proposal where those impacts may occur, in part, from actions that occur outside of Washington State.

As you know, SEPA articulates broad policy goals for the protection of the environment and Washingtonians. To accomplish this, agencies must prepare an EIS to assess the probable, significant, adverse environmental impacts of proposed actions (RCW 43.21C.031)

SEPA analysis is case-by-case based on the facts associated with each individual proposal. This limits a responsible official's ability to make predictions about addressing a proposal that is not yet before an agency. A "threshold determination" process is used to evaluate the environmental consequences of a proposal and determine whether it is likely to have any "significant adverse environmental impact." This determination is made by the lead agency and is documented in either a determination of nonsignificance or a determination of significance.

EISs are prepared when the lead agency determines a proposal will have probable, significant, adverse environmental impacts (i.e., a determination of significance). The EIS provides an impartial discussion of these environmental impacts, reasonable alternatives, and mitigation measures that would avoid or minimize adverse impacts.

"Probable," "significant" and "adverse" impacts are the key components in determining what impacts need to be included in any SEPA analysis. More specifically, under SEPA, the Legislature has directed the State and its agencies to:

"[U]se all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) Preserve important historic, cultural, and natural aspects of our national heritage;
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources." (RCW 43.21C.020[2]).

These broad policy statements overlay the Legislature's recognition that "each person has a fundamental and inalienable right to a healthful environment. . . ." (RCW 43.21C.020[3]).

RCW 43.21C.030(1)(f) directs agencies to "[r]ecognize the worldwide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment. . . ."

Since 1984, Ecology's SEPA regulations have echoed this statutory directive. State regulations provide:

"In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries . . ." This is WAC 197-11-060(4)(b).

Finally, several Washington court cases have similarly emphasized that lead agencies should not limit their consideration of environmental impacts to impacts within their jurisdictional boundaries. See *SAVE v. Bothell*, 89 Wn. 2d 862, 871 (1978); *Cathcart v. Snohomish County*, 96 Wn. 2d 201, 209 (1981); *Miller v. City of Port Angeles*, 38 Wn. App. 904, 912 (1984).

Ecology directed its consultant to evaluate greenhouse gas emissions from terminal operations, rail and vessel traffic, and end-use coal combustion. This direction regarding the scope of analysis for this project was based on a number of factors, including:

- Responsiveness to public comment, including recommendations from local air quality agency experts and the U.S. Environmental Protection Agency to study coal and disclose information about combustion impacts;
- That, over the past decade, Washington State has adopted several laws and an executive order on limiting greenhouse gas emissions that applies to all business sectors (RCW 70.235), and a law discouraging coal power (see session law findings codified as footnote to RCW 80.80.010 and coal transition requirements codified at RCW 80.80.040); and,
- Specific details known about the GPT proposal including:
  1. It is a large facility with potentially complex and far reaching impacts for Washington's citizens, communities, and environment. GPT would be the

- nation's largest coal export facility, increasing America's total export of coal by some 40 percent.
2. There is no speculation as to the end use of the exported coal; it will be combusted for thermal power.
  3. The projected 48 million metric tons of coal to be exported annually through GPT, combined with the transportation emissions of the project, would generate an estimated 118 million metric tons of greenhouse gas, thereby exceeding all current greenhouse gas pollution produced in Washington combined on an annual basis (Greenhouse Gas Sources in Washington, Washington Department of Ecology, page 4. December 2012).

Washington is experiencing impacts from climate change, ocean acidification, and toxic air pollution. Ecology understands climate and ocean acidification science as telling us that greenhouse gas emissions that occur across the globe have the potential to contribute to global atmospheric temperature increases that are associated with impacts occurring here in Washington.

It was these combined factors that led Ecology to determine the scope of environmental study for the proposed GPT terminal.

#### **Applicability of SEPA Scoping**

Your second question asks whether, in SEPA review for other projects, Ecology will consider greenhouse gas emissions potentially associated with the end use of products that are manufactured in, or transported through, Washington.

Before addressing the main part of this question, I note that the question as stated in your letter seemed to suggest that the scoping announcement amounted to a "permitting standard." The SEPA scoping announcement does not change any underlying permit requirements or standards, nor does it make any permitting decisions. The GPT project has not yet entered the permitting phase. The project is currently in the environmental assessment portion of the process.

Ecology's permitting requirements for projects are well established under State law and rule. For the GPT project, when the project enters the permitting stage, the "co-lead" agencies (Army Corps of Engineers, Whatcom County, and Ecology) and other agencies (local air pollution authority, Department of Fish and Wildlife, Department of Natural Resources, etc.) will each apply their respective requirements in making individual permit decisions. Ecology's permitting responsibilities include stormwater, wetlands, water quality, and shoreline standards.

The EIS process is a tool for identifying and analyzing probable, significant, and adverse environmental impacts, reasonable alternatives, and possible mitigation. This EIS process will inform the permitting process, and may include conditions to address and mitigate significant adverse impacts.

I now turn specifically to the heart of the second question: Whether, in SEPA review for other projects, Ecology will consider greenhouse gas emissions potentially associated with the end use of products that are manufactured in, or transported through, Washington.

It is important to note that the scope of environmental analysis under SEPA (either in an Environmental Checklist or in an EIS) is determined by the specific impacts potentially associated with the specific project undergoing review. As a result, there is no "rule" or "standard" that leads to an identical scope of review for different projects. Consequently, when Ecology conducts an EIS under SEPA, we must do so on a case-by-case basis. However, the specific facts of each proposal determine the scope of review. In every case, the scope of review is determined by the extent of the proposal's probable, significant, adverse environmental impacts.

For GPT, Ecology concluded this scope should include study of the greenhouse gas emissions associated with end use of the coal, for the reasons described above in response to question number one (including the fact that there is no speculation as to the end use of the exported coal). However, Ecology's or another lead agency's scoping decision might be different in the context of a different proposal involving other projects or other exported products.

For example, exporting airplane parts from an existing and/or expanding industrial facility may trigger environmental review, but the lead agency may decide not to pursue an in-depth analysis of emissions from the end use of the airplanes based on factors specific to the proposal. Among other possibilities, the lead agency may determine that an increase in emissions is speculative, and/or the projected amount of emissions is not "significant."

A specific case example is helpful to illustrate this point. As part of Ecology's role in the Boeing 777X Permit Streamlining Task Force, Ecology considered how SEPA would likely apply in the context of that project. Because, at this time, no specific 777X proposal has been made, we are unable to make definitive conclusions at this stage. However, based on what we know of the expected proposed Boeing facility at this time, Ecology believes it would be likely that a lead agency would determine that greenhouse gas emissions associated with production at the plant would be determined to be insignificant (note that the SEPA lead agency for the 777X will be a local government). We also expect a lead agency would be unlikely to perform an in-depth analysis of potential greenhouse gas emissions associated with the finished product (plane operations) for a variety of reasons, including:

- An expectation that improved efficiency of this particular commodity (i.e., lighter airplane parts) will use less fuel than existing parts. Assuming this sort of information is available when SEPA review is undertaken, it could support a lead agency conclusion that emissions from the new product would not be significant.
- Life-cycle analyses of component parts and processes associated with a finished product would likely require more assumptions than a single-purpose commodity such as coal. Additional assumptions about the commodity could support a lead agency conclusion that more in depth analysis is speculative.

- Uncertainty about what fuel the planes will use (i.e., possible transition to biofuels). Assuming information regarding the fuel type expected to be used is unavailable when SEPA review is undertaken, this lack of information could support a lead agency conclusion that more in-depth analysis is speculative.
- Uncertainty about whether the wings will be installed in planes that are additive to the fleet or displace older, less efficient models. Assuming information regarding the relationship between new and existing planes is unavailable when SEPA review is undertaken, this lack of information could also support a lead agency conclusion that more in-depth analysis would be speculative.

Taking a step back, the 777X, like many emerging products in Washington, is designed to increase fuel efficiency and decrease greenhouse gas emissions consistent with State law. In sum, the environmental review process applied to GPT is case-by-case and thus is the same process applied to other proposals. The conclusions reached in the case of GPT were determined by the application of SEPA principles to the specific facts of the GPT proposal. A different proposal with different facts would likely lead to different conclusions regarding the scope of SEPA analysis. When it comes to SEPA, it is fair to say that there is no such thing as an “apples to apples” comparison, because each analysis is determined by the facts of each individual proposal.

### **SEPA Scoping is Case-By-Case**

The third question asks whether Ecology is applying a new standard to this project, and if so, what criteria the agency intends to use when applying such new standards. As discussed above, Ecology applies SEPA review on a case-by-case basis. Without a specific project proposal in hand, Ecology cannot speculate on the most appropriate scope of review. Thus, it is not possible to identify a set of “industry groups” or set of specific projects that may trigger a broad or narrow scope of environmental review under SEPA. The criteria to be applied are the same in every case: namely, what are the probable, significant, adverse environmental impacts from the proposal.

Ecology has considered other projects and commodities in a manner and process consistent with our preliminary assessment for GPT. In addition to the Boeing 777X facility example discussed above, Ecology recently issued SEPA decisions for two different facility expansions of so-called “crude by rail” proposals in Grays Harbor. Ecology served as a co-lead agency with the City of Hoquiam on the Westway Terminal Tank Farm Expansion Project (Westway) and the Imperium Bulk Liquid Terminal Facility (Imperium). Although separate, these two projects both involve constructing additional storage tanks and rail infrastructure. These projects will allow storage of crude oil and transfer of the oil from rail cars to vessels for shipment elsewhere.

In comparison to GPT, the Westway and Imperium proposals are significantly different in terms of CO<sub>2</sub> emissions and impacts on wetlands, shorelands, cultural resources, transportation, and communities – among others. The SEPA review was guided by the specific factors of each proposal. Ecology, along with the City of Hoquiam, did not require an EIS for either of these proposals because in both cases:

- No in-water work is necessary (docks already exist).
- The potential impacts of the respective projects are addressed by the 26 different permits, approvals, licenses, or plans required by local, state, or federal agencies.
- Each applicant offered to carry out additional voluntary measures that became requirements of the threshold determination.
- Ecology and Hoquiam placed additional mitigation requirements on the threshold determination to further reduce potential impacts.

Consequently, Ecology and Hoquiam concluded neither the Westway nor Imperium projects would produce significant, adverse environmental impacts, and issued what is called a Mitigated Determination of Nonsignificance.

In sum, both the preliminary assessment of the 777X and the SEPA decisions we made for the recent Westway and Imperium proposals affirm our belief that applying SEPA on a case-by-case basis according to the facts of each project is consistent with existing law. These examples also tell us that the scope of SEPA analysis will vary depending on the specifics of the proposals. Thus, in making our decision on the GPT project, we did not set or establish a new regulatory threshold or standard – we applied the standards of SEPA to the project proposal.

#### **CO<sub>2</sub> Analysis for GPT is Project Specific**

The fourth question asks what criteria Ecology expects to use for calculating CO<sub>2</sub> emissions from the end use of other Washington products. As explained above, Ecology is not applying a new standard to its SEPA analysis for GPT. As a consequence, Ecology is not developing criteria “*for calculating end use CO<sub>2</sub> production for Washington exports.*” In the case of GPT, as discussed above, we will be calculating the CO<sub>2</sub> emissions from combustion of the exported coal as part of the EIS process. To do so, we will work with our consultant, CH2M HILL, and experts in the field to select the best methods to calculate CO<sub>2</sub> emissions.

As we are at the outset of the environmental review process, the study methods that will be used to evaluate CO<sub>2</sub> – like all the methodologies in the EIS (e.g., wetlands, water quality, air quality, land use, transportation, cultural resources, aesthetics, public services and utilities, health and safety, and others) – are currently in draft form. The study methods will be refined over the course of the environmental review process by the CH2M HILL consulting team. The draft EIS will include the study methods and will be available for public review and comment.

As Ecology and other lead agencies evaluate future proposals and determine whether the end use of a product associated with that particular proposal may result in probable, significant, adverse impacts, we would expect the lead agency to utilize standard methods of identifying impacts. (For air quality permitting, typical methodologies may include approved dispersion models, emission factors, and emissions inventories.)

In closing, I understand the direction we provided to our consultant regarding the GPT preliminary EIS scope raises questions about how SEPA will be applied in other settings. I

The Honorable Doug Ericksen

August 22, 2013

Page 8

appreciate the opportunity to further clarify our SEPA scoping approach for the GPT project. Ecology will assess and report on the likely impacts from the proposed GPT project, remain impartial, and follow adopted law.

I understand that communities, businesses, and Washingtonians expect us to conduct a fair, objective, and rigorous environmental review. My staff and I plan to meet this expectation.

Please let me know if you have any follow-up questions regarding my response.

Sincerely,

A handwritten signature in cursive script that reads "Maia D. Bellon". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Maia D. Bellon  
Director

OCT 24 2013



# I-90 Tolling Project Environmental Impact Statement

WWW.Facilities Team

## Scoping Comment Form

The Federal Highway Administration and Washington State Department of Transportation are preparing an environmental impact statement (EIS) to evaluate potential effects of tolling Interstate 90 between I-5 in Seattle and I-405 in Bellevue. The public comment period associated with scoping **starts on Monday, October 7 and ends on Wednesday, November 6, 2013.**

Please submit your comments on the proposed project alternatives and the Purpose and Need by midnight on November 6, 2013 to be included in the EIS scoping record. Comments can also be submitted via e-mail at [i90EIScomments@wsdot.wa.gov](mailto:i90EIScomments@wsdot.wa.gov) or verbally at a public meeting. Thank you for your comments and participation.

To learn more about the I-90 Tolling Project EIS, please visit: [www.wsdot.wa.gov/Projects/i90/crosslakeWAtolling](http://www.wsdot.wa.gov/Projects/i90/crosslakeWAtolling)

### What part of the proposal does your comment relate to?

- Tolling
- Funding
- Traffic
- Multiple/not listed

### Does your comment relate to any of the following topics? (Check all that apply)

#### EIS Process

- Proposed alternatives
- Areas of potential effect
- EIS regulatory process
- EIS purpose and need
- Other

#### Natural environment

- Wildlife, fish or vegetation
- Wetlands or streams
- Air quality
- Other

#### Human environment

- Economics/land use
- Environmental Justice
- Traffic or safety
- Public services
- Other

Please share your comments below (print clearly; comments can also be attached to this form):

I am submitting these comments on behalf of the City of Newcastle City Council. Attached is Resolution 13-546 approved Tuesday, April 2, 2013, by the City Council. Please consider the text of the attached resolution as the Council's Scoping Comments for the environmental impact statement

Thank You,

Jana McNeill  
Newcastle City Clerk

First Name: Sara

Last Name: McMillon, Newcastle City Clerk

Email: saram@ci.newcastle.wa.us

Mailing Address: 12835 Newcastle Way, Suite 200

City, State, Zip: Newcastle, WA 98056

Phone: 425-649-4444, ext. 102

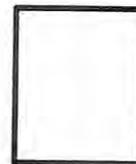
Please add me to your mailing list

**Note:** Any information provided to the agencies will be posted on the website and may be released to a third party as part of the agencies' record for this action. This includes the release of identifiable personal information such as personal name, address, phone number, etc.



**I-90 Tolling Project EIS**

City of Newcastle  
12835 Newcastle Way, Suite 200  
Newcastle, WA 98056



**Washington State Dept. of Transportation**  
**Attn: Angela Angove**  
**999 Third Avenue, Suite 2200**  
**Seattle, WA 98104**



**RESOLUTION NO. 13-546**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWCASTLE, WASHINGTON, URGING THE STATE OF WASHINGTON TO APPROVE AN INCREASE IN THE GAS TAX TO COVER PROJECTED SHORTFALLS FOR THE SR 520 BRIDGE REPLACEMENT AND HOV PROJECT; AND TO CONDUCT A SYSTEM WIDE STUDY OF TOLLING ROADWAYS BEFORE ADDITIONAL TOLLS ARE ADOPTED.

**WHEREAS**, tolling of roadways in the Central Puget Sound Region ("Region") is an important issue that affects all residents, businesses, employees, and visitors who use the roadways; and

**WHEREAS**, the State of Washington ("State") has imposed tolls on SR 520 and is considering tolling I-90, I-405, SR 99 and other regional roadways; and

**WHEREAS**, tolling should only be used to finance the construction of new roadways, bridges, or to add capacity and should be limited to the term of the bonds used to fund it; and

**WHEREAS**, tolling of highways can result in significant traffic diversion and other considerable traffic impacts; and

**WHEREAS**, tolling can result in considerable economic impacts to affected communities, residents, and businesses, especially for low, moderate and fixed-income families; and

**WHEREAS**, Newcastle's proximity to and reliance on I-90 makes it susceptible to impacts from a new toll, including additional traffic on its streets and additional expenses for its residents; and

**WHEREAS**, the region's transportation system suffers from serious traffic congestion, and piecemeal tolling may result in unintended traffic diversion that increases this congestion or unacceptably diverts traffic to other roadways; and

**WHEREAS**, the State has thus far taken only a piecemeal approach to tolling and has not conducted any system-wide study to consider the overall and interrelated traffic diversion and other impacts produced by tolling; and

**WHEREAS**, the SR 99 Advisory Committee on Tolling and Traffic Management and others have urged the State to taken a system wide approach to tolling; and

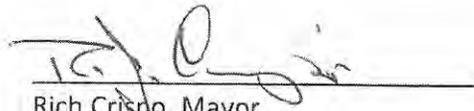
**WHEREAS**, given the potential tolling of many of the region's major roadways, the State should conduct a system-wide study of the cumulative impacts of all of these tolling projects before implementing new tolling projects;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWCASTLE, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

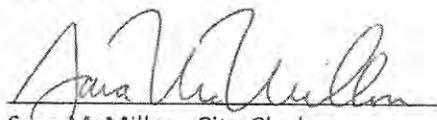
Section 1. Gas Tax. The proposed increase in the gas tax currently under consideration in the legislature should be increased to also cover the \$1.4 billion shortfall projected for the SR 520 Bridge Replacement and HOV project.

Section 2. System-Wide Study. Prior to tolling any additional individual highways in the Central Puget Sound Region, the State of Washington should conduct a system wide environmental impact statement of all potential tolling projects to ensure that impacts and traffic diversion are fully considered in a holistic and systematic manner.

**APPROVED BY THE CITY COUNCIL** at a regular meeting held Tuesday, April 2, 2013.

  
Rich Crispo, Mayor

**ATTEST:**

  
Sara McMillon, City Clerk

Filed with Clerk: 3/29/2013

Vote: 6-0 (Jensen absent)



February 22, 2013

Craig Stone, Assistant Secretary, WSDOT Toll Division  
c/o Angela Angove, I-90 Tolling Project  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

**RE: I-90 Tolling Environmental Assessment – Comments on Scoping Phase**

Dear Mr. Stone:

Thank you for your continued efforts in involving local agencies in the process of evaluating tolling and its impacts for financing Cross-Lake Washington Corridor projects. We look forward to working with WSDOT staff on a thorough and transparent evaluation of the I-90 tolling alternatives and welcome WSDOT's broad and inclusive engagement of citizens and elected officials. Your outreach to our city officials and the citizens of Renton in particular is very much appreciated. The I-90 Tolling Environmental Assessment (EA) work will create a firm foundation that will ensure the Legislature will have the information they need to choose an option that provides the necessary revenue to finance an important project that is affordable and within the means of our region, while considering the effects on neighborhoods, quality of life, traffic and the environment.

The tolling of both Cross-Lake Washington bridges would create the greatest impact on South King County and the City of Renton. As stated in the previous SR 520 Tolling reports, the peak period diversion to I-405 is greater in the two-bridge tolling scenarios, with volume increases projected to reach 8 percent. This could significantly impact congestion within the City of Renton and negatively affect our community and economic development. Aside from the need to finish the planned improvements to the I-405 corridor between Bellevue and Renton, the city arterials paralleling I-405 continue to be our main concern. Traffic diversion to an already congested I-405 will divert traffic onto our city arterials, such as Lake Washington Boulevard.

As tolls are being considered on I-90, the City of Renton requests that WSDOT address the following issues in the Environmental Assessment (EA) analyses:

1. The EA should consider the lack of a robust regional transit service in and around the city of Renton, particularly along the I-405 corridor and lack of any Sound Transit service between the City of Renton and City of Seattle. This lack of transit service alternatives will be a hardship on low-income residents unable to afford tolls.

Craig Stone, Assistant Secretary

February 22, 2013

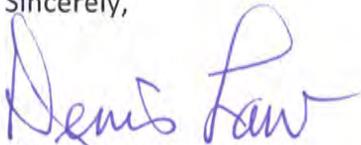
Page 2 of 2

2. Traffic corridors within the city of Renton that are of particular concern with regard to diversion include Lake Washington Boulevard, Duvall Avenue, Logan Avenue, Park Avenue, Airport Way, Rainier Avenue South, Renton Avenue South, Grady Way, SR 900, and SR 169.
3. The traffic analyses should have scenarios with and without the construction of the improvements funded by the implementation of HOT lanes along the I-405 corridor.

We certainly appreciate the complexities of the transportation analysis that will need to be completed as part of the EA and the myriad of scenarios that will need to be considered in the tolling alternatives. We trust the EA report and any proposed mitigation will take this into consideration and focus on operational measures that are flexible in responding to actual and changing diversion effects along the I-405 corridor and parallel local arterials.

We look forward to the continuation of the process and release of the draft EA report in October.

Sincerely,



Denis Law

Mayor

cc: Renton Legislative Delegation  
Renton City Councilmembers  
Jay Covington, Chief Administrative Officer  
Gregg Zimmerman, Public Works Administrator  
Doug Jacobson, Deputy Public Works Administrator - Transportation  
Jim Seitz, Transportation Planning Supervisor

---

**From:** Chow, Calvin [<mailto:Calvin.Chow@seattle.gov>]  
**Sent:** Fri 2/22/2013 11:22 AM  
**To:** i90EComments  
**Cc:** Layzer, Jonathan  
**Subject:** I-90 Tolling: SDOT Scoping Comments

As WSDOT evaluates the impacts of I-90 tolling, the Seattle Department of Transportation requests that the Environmental Assessment include the potential impacts to WSDOT's SR-520 project and how shifting SR-520 traffic patterns may impact Seattle's neighborhood streets.

SDOT is particularly interested in the interim condition of SR-520, when the currently funded portions of the SR-520 Bridge Replacement project are complete. WSDOT's traffic modeling for the West Approach Bridge North considered tolling on SR-520 only. Tolling on I-90 will change transportation assumptions for the West Approach Bridge North project and may significantly change the impacts to City streets. This interim condition will exist until additional funding, design, and construction are complete on the rest of the SR-520 project.

Thank you for the opportunity to provide scoping comments.

Calvin Chow, SDOT Project Manager

**Calvin Chow** | SR-520 & Arena Project Manager  
**Seattle Department of Transportation** | Major Projects Division  
Office | Seattle Municipal Tower | 700 Fifth Ave | Suite 3800  
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## King County

### Department of Transportation

Harold S. Taniguchi, *Director*  
KSC-TR-0815  
201 South Jackson Street  
Seattle, WA 98104-3856  
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February 22, 2013

Angela Angove  
I-90 Tolling Project  
999 Third Avenue, Suite 220  
Seattle, WA 98104

Dear Ms. Angove:

Thank you for the opportunity to provide comments on the scope of the I-90 Tolling Environmental Assessment (EA).

We would like to thank the Washington State Department of Transportation (WSDOT) for their continued leadership on variable tolling in the cross Lake Washington corridor as a tool for congestion management. Since the start of tolling on SR 520 in late 2011, as part of the Lake Washington Urban Partnership, the King County Department of Transportation (KCDOT) has seen demand continue to grow on King County Metro Transit (Metro) services. Metro ridership has increased by 25 percent since 2010, including a nine percent increase since the start of tolling in the SR 520 corridor.

As WSDOT and the communities affected consider tolling in the I-90 corridor, there are several policy decisions to be addressed that may affect the quality of transit service in this corridor. Transit should continue to be part of the solution for managing capacity and helping meet demand in key corridors such as I-90. The issues discussed below should be addressed as part of the I-90 Tolling EA.

#### **Funding for increased transit services**

As we found to be true on SR 520, Metro expects that tolling I-90 will create additional demand for services across Lake Washington. Metro would not be able to supply that service without additional funding sources. Temporary revenues from the Congestion Reduction Charge authorized by the State Legislature and approved by the King County Council will expire in June 2014. Absent additional funding, approximately 600,000 service hours or 17 percent of the entire Metro system will need to be cut beginning in late 2014. The Transportation Discipline Report, completed as part of the EA, should evaluate the service and financial impacts that tolling may have on Metro. WSDOT should consider allocating a

portion of toll revenues as a key mitigation measure for the increased demand for Metro services that tolling on I-90 is anticipated to cause.

#### **Exempting transit vehicles from tolling**

Another potential financial impact on Metro is the increased operating costs that will result if tolls are charged on buses that operate on toll facilities. The Washington State Transportation Commission, the state's tolling authority, agreed to exempt transit vehicles from paying tolls across SR 520. Transit and other vehicles are exempt from tolls on SR 520 as outlined in the Washington Administrative Code, section 468.270.091. However, as currently written, this regulation only applies to the SR 520 corridor and does not guarantee exemptions on I-90 or on future toll facilities.

In 2009, Metro estimated that paying tolls would add approximately \$600,000 to our annual operating budget. Metro and Sound Transit operate over 450 in-service bus trips in addition to over 200 deadhead trips in the I-90 corridor each weekday; thus the impact of tolling on buses would likely be significant. To avoid further constraints on our ability to provide adequate service, the methodology for economic analysis in the EA should specify any assumptions about the cost of the tolls. This will allow Metro to work with WSDOT to disclose the potential cost impacts and possible service reductions that may result from not exempting transit from tolls.

#### **Transit ridership and travel time projections**

KCDOT requests that the EA provide analysis on projected transit ridership and travel times expected both before and after tolling is implemented in the I-90 corridor. The analysis should include the following:

- A projection of increased peak period transit ridership in the corridor due to tolling, and a description of the impact of that increase on transit agencies and transit passengers in terms of existing passenger capacity and projected peak period passenger load factors.
- Before and after estimates of peak one-hour travel times along the corridor, for vehicles in both the HOV (R8A project) lanes and the general purpose lanes.

#### **R8A: I-90 Two-way transit and HOV operations**

As you know, Sound Transit and WSDOT are working to implement the two-way transit and HOV operations project. The timing and the design of the infrastructure of R8A should complement and not conflict with the I-90 tolling project. The construction section of the EA should consider options for using the center roadway to enhance transit service if there is time between the implementation of R8A and the closure of the center roadway for construction of East Link. For example, during a gap in implementation, the center roadway could either continue to operate as reversible lanes or it could be converted to a two-way

Angela Angove  
February 22, 2013  
Page 3

transit way. It is in the interest of transit riders and Metro to implement R8A as quickly as possible, because transit trips in the reverse peak direction will be faster and more reliable.

**Economic impacts analysis**

Since I-90 is a critical freight corridor connecting Eastern Washington to the east side of King County and the Port of Seattle, the No Build analysis should consider the impacts that congestion will have on freight mobility, and by extension, the local, regional and statewide economies. As we noted in 2009, implementing variable tolling on I-90 is critical for managing regional mobility as the population grows.

**Mitigating potential impacts on low-income populations**

We understand that the EA will analyze social and environmental justice impacts. In 2010, King County passed Ordinance 16948, which calls for considering social justice impacts in decision-making. When decisions that have a negative impact on fairness and opportunity are unavoidable, steps are to be implemented that mitigate the negative impacts. Consistent with this approach, Metro's Strategic Plan for Public Transportation also calls for measures to ensure that low-income residents have adequate access to transit. The EA should present strategies for minimizing adverse effects of tolling on low-income populations. One way to help mitigate adverse impacts is funding adequate transit service to provide a travel option that avoids toll fees.

We hope these comments are helpful in developing the scope of the environmental analysis for the I-90 Tolling Project. We look forward to working with WSDOT as the project moves forward.

Sincerely,



Harold S. Taniguchi, Director  
Department of Transportation

cc: Kevin Desmond, General Manager, Metro Transit Division, King County Department of Transportation (KCDOT)  
Ron Posthuma, Assistant Director, Office of Regional Transportation Planning, KCDOT  
Chris Arkills, Transportation Policy Advisor, King County Executive Office



## King County

### Department of Transportation

Harold S. Taniguchi, *Director*

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November 6, 2013

Angela Angove  
WSDOT I-90 Tolling Project  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

Dear Ms. Angove:

Thank you for this second opportunity to provide input on the scope of the environmental review of the Interstate 90 (I-90) Tolling Project. This letter builds on the comments we provided in February 2013 regarding the proposed Environmental Assessment with additional suggestions to improve the Environmental Impact Statement (EIS).

### TRANSIT SUPPORTS TOLLING

King County supports variable tolling as a transportation demand management tool. As tolls on State Route 520 (SR-520) demonstrated, tolling can decrease congestion and build transit ridership. Thanks to funding by the Urban Partnership Agreement, Metro and Sound Transit added 140 trips to the SR-520 corridor before tolling began. With this transit service and tolls on the corridor, general purpose traffic decreased by 34 percent while transit ridership grew by 40 percent and vanpools increased 50 percent.

Tolls on I-90 will likely produce similar congestion benefits and increases in demand for transit, but the increased transit demand can only be accommodated if additional transit service is funded, which King County Metro cannot do on its own. Toll revenues collected from cross-lake travel would be the most appropriate source of funding for additional transit service needed to meet increased ridership demand resulting from tolling. This funding source is especially important at a time when public transit is seeking more stable funding sources in order to sustain existing service and meet future service demands. Metro Transit is facing a revenue shortfall that could force Metro to reduce service by up to 17 percent starting in 2014. Such reductions would translate to 13-17 percent fewer daily bus trips across Lake Washington despite the need for more to meet future demand caused by this project. In addition, transit should be exempt from future I-90 tolls as it is on SR-520 since transit reduces congestion consistent with the project's Purpose and Need.

King County believes that we need to move toward implementing region-wide tolling to systematically fund, manage and improve the performance of all modes comprising the Puget Sound region's highway system. In conjunction with eleven local cities, King County recently requested that Puget Sound Regional Council (PSRC), with assistance from Washington State

Department of Transportation, conduct a regional study examining alternative approaches to tolling implementation. This study currently awaiting funding is scheduled to be complete in late 2015 and is expected to yield information that will inform individual corridor tolling efforts including the I-90 Tolling Project. Specifically, this study will address how:

- Individual tolling projects function as part of a system and integrate with an overall schedule of roadway and transit project implementation in the region.
- Explore a more systematic approach to addressing and mitigating traffic diversion from tolling.
- Better integrate highway corridor tolling with transit service provision.
- Plan the transition from a corridor-based approach to system-wide strategy.
- Coordinate project tolling with use fees or other emerging state financing proposals.

Together with the results of this EIS, the Regional Tolling Study would inform achievement of the project's Purpose and Need. Accordingly we encourage close coordination between the I-90 Tolling Project and the proposed Regional Tolling Study.

### EIS ANALYSIS

**Transportation:** The transportation analysis should address impacts on public transit including increases in peak period ridership relative to transit capacity, travel time and reliability and financial impacts on public transit providers due to tolling and congestion. Impacts from tolling in the form of bus overcrowding and service should be mitigated through funding to support additional transit service.

**Socioeconomics:** The economic analysis should evaluate the impacts on the regional economy that result from both congestion and tolls on I-90, including the impact on low income populations and service providers especially mobility impaired and transit-dependent populations. Tolling should be designed to mitigate possible impacts to any of these elements of the environment.

**GHG Emissions:** This project provides an opportunity to achieve Washington State's greenhouse gas (GHG) emissions and vehicle miles traveled (VMT) reductions targets (RCW 70.235.020 and RCW 47.01.440). The EIS analysis should address how additional transit can help achieve these targets.

### ALTERNATIVES

King County supports the analysis of multiple alternatives to improve the value of an EIS as a decision making tool. Eleven potential build alternatives were identified by the lead agencies from prior studies, legislative direction and initial scoping. We are particularly interested in any alternative that increases transit service recognizing that such an alternative could only be achieved with increased transit funding. Therefore, the EIS should evaluate toll revenue and other potential sources for funding additional transit service.

Another identified build alternative would implement tolls on other facilities. As noted above, King County supports a coordinated, systematic and region-wide approach to tolling. This alternative should be informed by PSRC's proposed Regional Tolling Study.

Thank you for considering our comments, and we hope that they are helpful to you. If you have questions or if we can be of assistance with coordinating project planning or otherwise, please contact Andrew Glass-Hastings, Government Relations Officer, King County Department of Transportation, at [andrew.glass-hastings@kingcounty.gov](mailto:andrew.glass-hastings@kingcounty.gov) or by phone at 206-477-3813.

Sincerely,



Harold S. Taniguchi, Director  
King County Department of Transportation

cc: Laurie Brown, Deputy Director, King County Department of Transportation (KCDOT)  
Kevin Desmond, General Manager, Metro Transit Division, KCDOT  
Andrew Glass-Hastings, Government Relations Officer, Office of Regional  
Transportation Planning, KCDOT  
Chris Arkills, Transportation Policy Advisor, King County Executive Office  
Richard Krochalis, Regional Administrator, Federal Transit Administration  
Lynn Peterson, Secretary of Transportation, Washington State Department of  
Transportation



February 22, 2013

Ms. Angela Angove, WSDOT  
999 Third Ave., Suite 2200  
Seattle, WA 98104  
I90EAComments@wsdot.wa.gov

**Re: Port of Seattle Scoping Comments for I-90 Tolling Environmental Assessment**

Dear Ms. Angove:

Thank you for the opportunity to engage in the scoping process for this study. We're most directly concerned with the impacts of I-90 tolling on the trucking of import and export commodities (both agricultural and manufactured) from Eastern Washington to and from the Seattle seaport.

Companies throughout the state depend on transportation for goods through the Port of Seattle to reach markets around the world. The seaport is the 6<sup>th</sup> largest US gateway, handling 2 million TEUs (twenty foot equivalent units) per year, for international trade valued at \$42 billion annually. State exports such as agriculture, food, wood, aircraft and electronic parts, and seafood products are trucked in daily to the port. Through our 25-year Century Agenda strategy, we aim to grow the annual container volume to more than 3.5 million TEUs and triple the value of outbound cargo. Through objectives and actions such as these, our vision is to grow an additional 100,000 jobs across the region.

Additionally, the Port of Seattle confirms that we will be a participating agency, and we look forward to a commissioner serving on the Executive Advisory group (EAG). We appreciate the staff meeting with WSDOT on February 13 to discuss the range of feedback we've already heard. As we discussed, it is important that WSDOT contact stakeholders in the trade and logistics supply chain, including truckers who rely on I-90, and shippers who decide where and how to get their goods to the global markets; we offer assistance with those contacts.

We submit the following comments and questions for the scoping period:

**Purpose and Need:** The purpose of the I-90 Tolling Project is to raise revenue for substantial transportation improvements in the Cross-Lake Washington Corridor and to help alleviate congestion on I-90 between I-5 and I-405.

- I-90 is the major commerce corridor for our state, providing the most direct route between eastern Washington and the Port of Seattle, as well as the facility best



designed for multi-axled trucks. There is no direct nexus, nor benefit, for trucks to pay tolls for construction of SR520, especially when there are other proposed improvements in the I-90 corridor that would be of a direct benefit to their trip.

- The benefits of congestion reduction are also less for long-haul freight movement than for shorter trips. For example, a truck hauling a container of hay from Eastern Washington, for example, may be able to make two round trips per day between Ellensburg and the Port of Seattle. Shaving 15 minutes from the trip will not allow additional trips within the one day. Neither is there an option for freight to convert its trip to transit, since “freight can’t take the bus.”

**Alternatives:** We understand the study will assume toll rates comparable to those currently in effect on SR520, where a 6-axle truck pays 3 times the toll that a 2-axle vehicle would – over \$10 a trip during peak hours. We suggest an alternative be added which would lessen the charge for multi-axled trucks for the reasons above and following.

**Impact Analysis:** We hope that the EIS will address the following issues:

Transportation/Economics:

- **Diversion:** The study must address the impact on discretionary container freight flows through the Seattle seaport, which might divert to a less costly port of entry, moving local jobs, revenue and taxes with them.
  - A toll adds costs to getting goods to market, since there is no good alternative routing for containers to get and from the POS, neither SR520 nor around either end of the lake.
  - A toll increases the risk that shippers will divert their loads to the Port of Tacoma, travelling south on SR18 or I-405.
  - A toll increases the risk that shippers will divert to Port of Portland or California ports, losing jobs in our state.
  - A toll increases risk that shippers will divert to Canadian ports, losing jobs in our nation.
  - Truck traffic in the SR-99, I-5, and I-405 corridors may experience increased congestion due to diversion.
- **Systemwide Cost Analysis:** The study must take in to account the other legislative actions addressing trucking costs. New transportation revenue is proposed at a state and federal level, such as increases in weight fees, or diesel taxes which will also add costs.

Traffic and environmental impacts:

- **Impacts of changes in the timing of some trips:** Some longer distance truck drivers may choose to cross the lake early in the morning to avoid or reduce tolls. This may cause an increase in parked or queued trucks on public streets in Seattle, causing congestion here.

While we have expressed concerns about potential impacts of the Interstate 90 tolling, we want to ensure that the state has sufficient funding to maintain and operate a safe system and to make strategic corridor investments as needed. We look forward to continuing our working relationship in this environmental review, to find a fair and appropriate funding mechanism. Please do not hesitate to contact Geri Poor at 206-787-3778 or [Poor.G@PortSeattle.org](mailto:Poor.G@PortSeattle.org) with any questions or data needs.

Sincerely,

A handwritten signature in blue ink, appearing to be "Linda Styrk", written over a horizontal line.

Linda Styrk  
Managing Director, Seaport  
Port of Seattle

Cc: Port of Seattle Commission  
Tay Yoshitani, Port of Seattle Chief Executive Officer  
Karen Schmidt, Freight Mobility Strategic Investment Board  
Larry Pursley, Washington Trucking Association  
Eric Johnson, Washington Public Ports Association  
Mike Moore, Pacific Merchant Shipping Association



November 5, 2013

I-90 Tolling Project Attn: Ms. Angela Angove  
999 Third Ave., Suite 2200  
Seattle, WA 98104  
I90EIS comments@wsdot.wa.gov

Re: **Port of Seattle Scoping Comments for the  
I-90 Tolling Environmental Impact Statement**

Dear Ms. Angove:

Thank you for the opportunity to engage in the scoping process for this Environmental Impact Statement. The Port is most directly concerned with the impacts of I-90 tolling on the trucking of import and export commodities (both agricultural and manufactured) from Eastern Washington and the eastside of Lake Washington to and from Seattle's seaport.

Companies throughout the state depend on the movement of goods through the Port of Seattle to reach markets around the world. The seaport is the 6<sup>th</sup> largest US gateway, handling 2 million TEUs (twenty foot equivalent units) per year, for international trade valued at \$42 billion annually. State exports such as agriculture, food, wood, aircraft and electronic parts, and seafood products are trucked in daily to the port. Through our 25-year Century Agenda strategies, we aim to grow the annual container volume to more than 3.5 million TEUs and triple the value of outbound cargo. Through objectives based on these, our vision is to grow an additional 100,000 jobs across the region.

Additionally, we appreciate the opportunities to for staff to meet and discuss the range of feedback we've already received from our customers and industry contacts. As we discussed, it is important that WSDOT contact stakeholders in the trade and logistics supply chain, including truckers who rely on I-90, and shippers who decide where and how to get their goods to the global markets. We offer assistance with those contacts.

We submit the following comments and questions for scoping:

**1. Draft Purpose Statement** The draft purpose of the project reads as follows:

"The purpose of the I-90 Tolling Project is to:

1. Manage congestion and traffic flow on I-90 between I-5 and I-405, which is in the Cross-Lake Washington Corridor; and



2. Contribute revenues to the sustainable, long-term funding for timely completion of the SR 520 Bridge Replacement and HOV Program and maintenance and future transportation improvements on I-90 in the Cross-Lake Washington Corridor.”

We recommend adding a statement to support economic growth and an equitable distribution of costs and benefits to freight system users on the network affected by tolls:

- Support economic growth within the state by ensuring an equitable distribution of the costs and benefits of tolling I-90 for all freight using I-90 and/or the network of highways and roads surrounding Lake Washington

Further, we question the nexus of these tolls to the improvements on I-90 and the benefits to long-haul freight movement, and whether there is sufficient coordination with the region-wide tolling system to be studied by the Puget Sound Regional Council (PSRC).

- I-90 is the major east-west commerce corridor for our state, providing the most direct route between eastern Washington and the Port of Seattle, as well as the facility best designed for multi-axle trucks. The location of toll collection, and the amount to be paid by larger trucks, must be set to support, not stymy, economic growth, and avoid market distortion.
- There is no information about the amount of funding or the nature of any future maintenance and transportation improvements on I-90. What portion of truck toll revenues would be dedicated to benefit freight users of I-90, and what portion would support SR-520, which carries relatively little freight traffic? There is insufficient information to determine if there is sufficient direct nexus, or benefit, for trucks to pay tolls predominantly for construction of SR520, especially when there are other proposed improvements in the I-90 corridor that would be a direct benefit to freight mobility.
- The benefits of congestion reduction are less for long-haul freight movement than for shorter trips. For example, a truck hauling a container of hay from eastern Washington may be able to make two round trips per day between Ellensburg and the Port. Shaving 15 minutes from the trip will not allow additional trips within the one day. Neither is there an option to convert a truck trip to transit, since “freight can’t take the bus.”
- It is premature to commit a majority of tolling revenue to SR520 from one of the major interstates before the region develops its understanding of the issues, needs and implications of a regional system tolling.

## 2. Toll Rate Alternatives

**Freight Options:** As proposed, the study will assume toll rates comparable to the current rates on SR520, where a 6-axle truck pays 3 times the toll that a 2-axle vehicle would – over \$10 a trip during peak hours. At a minimum, we suggest an alternative be added which would lessen the charge for multi-axle trucks for the reasons above and following.

**System Tolling:** How is this tolling analysis is coordinated with PSRC’s efforts to evaluate regional system tolling? This could address some of the equity issues presented above. On the other hand, a system tolling approach that may be put in place while the bonds for SR-520 are still being paid off may lead to inequitable cumulative impacts.

### 3. **Impact Analysis:** The EIS should address issues in the following disciplines:

**Traffic:** The EIS should fulfill the Legislature’s direction to evaluate the impact on all users of the network of highways and roads surrounding Lake Washington, general purpose, and in particular freight. The study must evaluate the impacts of both route and time diversion.

- How much traffic is likely to divert to other routes, and what is the impact of that diversion?
- What are the impacts of changes in the timing of trips, especially truck trips? Some longer distance truck drivers may choose to cross the lake early in the morning to avoid or reduce tolls. This may cause an increase in the demand for limited truck parking, and may force trucks to queue on public streets in Seattle, causing congestion here.

**Freight Economics:** The EIS should evaluate to what extent the proposed tolls would distort existing markets and create winners and losers—and what mitigation measures need to be put in place to avoid those impacts.

- **Competitiveness:** I-90 is the most critical east-west corridor in the state, both for exports and for goods consumed within the state. What impact will the toll have the cost of getting goods to market, and on the position of those businesses crossing Lake Washington compared to their competitor businesses that do not?
- **Diversion:** The study must address the impact on discretionary container freight flows through the Seattle seaport, which might divert to a less costly port of entry, moving local jobs, revenue and taxes with them. We must ensure that jobs the Port of Seattle supports statewide are sustained and can grow. Other industries are likely affected in similar ways. The analysis must evaluate benefits and costs to all freight users so that tolls could be set to avoid such impacts.
  - The study should analyze how tolls would affect the relative competitive positions among Washington ports by discouraging use of the tolled section of I-90 and making SR18 or I-405 more attractive alternatives.
  - The study should analyze how tolls could lead shippers to divert imports to California ports, losing jobs in our state, or to Canadian ports, losing jobs in our nation.
  - The study should analyze whether truck traffic in the I-5 and I-405 corridors may experience increased congestion due to diversion.
- **Cumulative Freight Cost Analysis:** The study must take in to account the other legislative actions addressing trucking costs. New transportation revenue is proposed at a state and federal level, such as increases in weight fees, or diesel taxes which will also add costs.

**Environmental:** What are the impacts of diversion to other routes, or other times of the day, on air quality? Please evaluate the likely impacts for both general purpose and, in particular freight traffic.

While the Port has expressed concerns about potential impacts of tolls on Interstate 90, we want to ensure that the state has sufficient funding to maintain and operate a safe system and to make strategic corridor investments as needed. We look forward to continuing our working relationship in this environmental review to find a fair and appropriate funding mechanism. Please do not hesitate to contact Geri Poor at 206-787-3778 or Poor.G@PortSeattle.org with any questions or data needs.

Sincerely,



Linda Styrk  
Managing Director, Seaport  
Port of Seattle

Cc: Port of Seattle Commission  
Kurt Beckett, Port of Seattle Deputy Chief Executive Officer  
Karen Schmidt, Freight Mobility Strategic Investment Board  
Larry Pursley, Washington Trucking Association  
Eric Johnson, Washington Public Ports Association  
Mike Moore, Pacific Merchant Shipping Association



February 21, 2013

Ms. Angela Angove, Project Environmental Manager  
WSDOT, I-90 Tolling Project  
999 3<sup>rd</sup> Ave., Suite 2424  
Seattle, WA 98104

RE: Sound Transit's Scoping Comments on WSDOT's I-90 Tolling Project

Dear Ms. Angove:

I am submitting Sound Transit's comments on WSDOT's environmental scoping process for the I-90 Tolling Project in the agency's role as a cooperating agency.

Sound Transit has a history of working collaboratively with WSDOT on improvements in the I-90 corridor to make it more efficient: the I-90 Two-Way Transit and HOV Operations project, parking facilities, bus service and light rail implementation.

Public transit is an important component of moving people in the I-90 corridor and the availability of transit after the implementation of tolling is an important consideration. As such, we suggest adding a bullet to the project purpose and need statement as follows:

It is important to consider whether sufficient transit service will be available to serve the increased number of people crossing the I-90 corridor on transit after the implementation of tolling.

Sound Transit's interests in the I-90 tolling project include ensuring coordination with the HOV lane project R-8A Stage 3 (I-90 Two-Way Transit and HOV Operations project) and the East Link Extension during construction and operation as well as responding to increased demand for transit service and I-90 corridor park and ride capacity due to tolling.

Sound Transit has entered into several agreements with WSDOT including: the 2004 Amendment to the I-90 Memorandum Agreement, the November 2011 Umbrella Agreement, and the Air Space Lease that authorized the use of

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*King County Councilmember*

**CHIEF EXECUTIVE OFFICER**

**Joni Earl**

the center roadway by Sound Transit. These agreements and their respective commitments regarding the transfer of the center roadway should be considered during the tolling analysis.

WSDOT has committed to the transfer of the center roadway of I-90 to Sound Transit for the construction of light rail and these commitments should be considered in the tolling analysis. Under the 2004 Amendment to the 1976 Memorandum Agreement, the parties agreed to move as quickly as possible to construct high capacity transit (HCT) in the center lanes of I-90 and the earliest possible conversion of the center lanes to HCT. Under the 2011 Umbrella Agreement for the use of the I-90 Center Roadway, WSDOT agreed to transfer the center roadway to Sound Transit upon completion of the R-8A project. In 2012, WSDOT executed two air space leases to transfer the center roadway to Sound Transit for light rail upon completion of the R-8A project and other administrative steps.

**Tolling impact on transit operations:** The transit agencies that operate service on I-90 should be exempt from tolls. The imposition of tolls on buses will reduce revenue for transit service and the ability of transit agencies to respond to increased demand due to tolling. Transit service in the cross-lake corridor is highly utilized. Ridership on Sound Transit routes operating on SR 520 has increased by 15%, on I-90 by 14% and on SR 522 by 19% (Sept 2011-Sept 2012) since the implementation of tolls on SR 520.

When WSDOT implemented tolls on SR 520 as part of the Urban Partnership Agreement, funds were allocated for the purchase of buses and additional park and ride spaces. Without a similar framework for I-90 tolling, Sound Transit will not be able to accommodate the increased demand for transit service. Sound Transit's revenue is down by 30% (\$4.7 billion) due to the downturn in the economy. While we do not have resources to respond directly to the additional demand for transit that comes as a result of tolls, we will be adding significant capacity with both R-8A (in 2015) and East Link (in 2023).

**Sound Transit projects:** The R-8A Stage 3 project on the I-90 outer roadways and the East Link Extension in the center roadway should be included in the I-90 Tolling Project no-build. Final design for both projects is underway. The I-90 tolling design and construction should be well coordinated with R-8A Stage 3 but should not delay the current R-8A Stage 3 schedule.

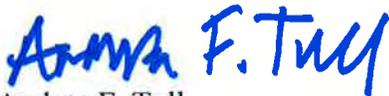
Construction of the East Link Extension will be initiated in 2015 in Bellevue and will include the closure of the South Bellevue park-and-ride for construction of a 1,400 stall garage and transit center. I-90 center roadway construction, including the D2 Roadway, will begin in 2016. Potential locations for tolling gantries need to be coordinated with Sound Transit so that there are no construction impacts or impacts to bus or light rail infrastructure or operations. Any cost impacts to these projects should be borne by the I-90 Tolling Project.

In addition, we request that the environmental analysis include:

- A projection of increased peak period transit ridership in the corridor due to tolling, and a description of the impacts of that increase on transit agencies and transit passengers in terms of existing passenger capacity and projected peak period passenger load factors.
- Impact on transit ridership due to the alternative locations of the tolling gantries.
- A before-and-after estimate of peak one hour travel times along the corridor, for vehicles in both the HOV (after R-8A) lanes and the general-purpose lanes.
- An evaluation of current park-and-ride use, available capacity in the corridor, the estimated change in park-and-ride demand due to tolling and changes due gantry locations and the potential impacts of parking spillover in areas where park-and-rides are currently full.
- Proposed mitigation measures to address these potential impacts including additional park and ride spaces and increased transit service.
- Analysis of the optimal timing to start I-90 tolling in relationship to the WSDOT and Sound Transit schedules for R-8A and East Link.

Please contact me if you would like to discuss Sound Transit's concerns further.

Sincerely,



Andrea F. Tull  
Senior Transportation Planner  
Sound Transit

c: Ric Ilgenfritz, Executive Director, Planning, Environment and Project Development  
Jim Edwards, Deputy Executive Director, Design, Engineering and Construction  
Management



November 5, 2013

Ms. Angela Angove  
WSDOT  
I-90 Tolling Project  
999 3<sup>rd</sup> Ave, Suite 2200  
Seattle, WA 98104

RE: Sound Transit’s Scoping Comments on WSDOT’s EIS for the I-90 Tolling Project

Dear Ms. Angove:

In response to WSDOT’s invitation for agencies to submit scoping comments on I-90 Tolling Project, which has been changed to an EIS process, please consider Sound Transit’s comments below, which complement an earlier letter submitted on February 21, 2013.

First, we would like to reiterate our key comments from our earlier letter:

- Once tolling is in place, we anticipate that there would be an increased demand for transit service. Many solo drivers would choose to use transit services because of tolling costs, as they have on SR 520 where we have experienced increased ridership and demand.
- With increased demand for transit services, there would be a need for additional revenues to support the demand.
- With the I-90 R-8A Stage 3 project scheduled for construction in the near future, we recommend that the construction of the tolling project be scheduled in consultation with Sound Transit to avoid conflict with this project. The R-8A Stage 3 project between Mercer Island and Seattle is scheduled to begin construction in fall of 2014 and will complete the addition of HOV lanes on I-90 in both directions between south Bellevue and Interstate 5, in partnership with WSDOT. It is expected to be operational in the fall of 2016.
- With East Link Project construction in the I-90 Center Roadway expected to begin after fall 2016 upon the completion of R-8A Stage 3, we recommend that the tolling project exclude the Center Roadway to avoid conflict with the light rail project. WSDOT has executed a lease agreement to make the center roadway available to Sound Transit for the East Link Project pursuant to the I-90 Umbrella Agreement executed in 2011. WSDOT’s lease of the Center Roadway to Sound Transit was recently affirmed by the Washington Supreme Court in *Freeman v. State of Washington*, Case No. 87267-8, filed September 12, 2013.

For the purpose and need statement, please reconsider and add the following statement to the purpose section: “Improve the people-moving capacity of the cross-lake corridor”.

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**CHIEF EXECUTIVE OFFICER**

**Joni Earl**

For the range of alternatives, please include the following:

- After the fall of 2016 the I-90 Center Roadway will not be available for tolling as it will be turned over to Sound Transit for the construction of the East Link light rail project.
- Evaluate different tolling rates to acknowledge the different modes, efficiencies, and purposes of travel. For instance, we believe that the transit services should not be tolled because these services move people more efficiently across Lake Washington and the region.
- Evaluate variable tolling rates by time of day and by congestion levels. This may provide a tool to help manage congestion and traffic flow.

Thank you for the opportunity to comment on the I-90 Tolling Project scoping. Please contact me if you would like to discuss Sound Transit's concerns further.

Sincerely



Andrea F. Tull  
Senior Project Manager  
Sound Transit

Cc Ric Ilgenfritz, Executive Director, Planning, Environment and Project Development  
Jim Edwards, Deputy Executive Director, Design, Engineering and Construction Management

February 22, 2013

Angela Angove  
Washington State Department of Transportation  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

RE: I-90 Tolling Environmental Assessment

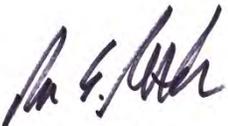
The Bellevue Chamber of Commerce serves as the Voice of Business in Bellevue, a key economic driver for the region and the state. It is fundamental to a jobs and economic center such as Bellevue to have employees, residents, and customers move easily to and from businesses, homes, and schools. Based on the Chamber's annual "Business Leader" survey, regional transportation mobility ranks as a top priority of regional business leaders in Bellevue. Because our membership depends so heavily on transportation mobility, the Chamber has been an active leader in bringing together coalitions in support of mobility for not only our community but the region and state as a whole. The Bellevue Chamber will continue working with business leaders and community coalitions to support mobility on our region's roadways. The Chamber endeavors to see the region build an integrated transportation system to move people and goods safely and conveniently through and around the Puget Sound's major corridors and urban centers; a great way to protect the vitality and continued growth of business in the City of Bellevue and the entire Eastside.

At this time, the Chamber would like to lend its voice to the range of issues our organization believes should be thoroughly studied during this phase of the I-90 Tolling Environmental Assessment:

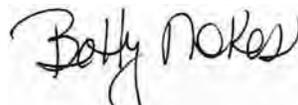
- Analysis of how tolls on I-90 will impact congestion levels and travel time on City of Bellevue arterials.
- Analysis of how tolls on I-90 will affect travel times on other corridors in the region – I-405, I-5, SR-520.
- Fiscal analysis of the potential economic impact for businesses depending on the location of tolling equipment.
- Report on trip diversion activity around Lake Washington and its effects on infrastructure and traffic.
- Analyze the potential economic impact for business depending on the location of tolling equipment.
- Determine the impacts to freight mobility and the potential competitive disadvantage at the Port of Seattle as well as the impact on Eastern Washington residents and businesses that rely on I-90 for the delivery of the majority of its good and services.
- An analysis of how tolls on I-90 will impact the commutes of employees, employers, students, and those seeking any social services.

We appreciate the opportunity to add our organization's comments to this important regional discussion. We hope that more opportunities will exist for discussion and participation in the future on the topic of tolling I-90.

Sincerely,



Ron Smith  
Chairman of the Board of Directors



Betty Nokes  
President & CEO

**From:** [Claire Petersky](#)  
**To:** [i90EComments](#)  
**Subject:** Effect of tolling on access to health care for the elderly  
**Date:** Friday, February 15, 2013 9:47:38 AM

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Dear Ms. Angove:

Eastside Friends of Seniors provides volunteer-based services to seniors who are home-bound, but are living independently in the community. Based on a 2010 study, after Senior Services, we are the second largest provider of volunteer transportation in King County. We served 287 clients in the greater Issaquah, Sammamish, Snoqualmie Valley, and Bellevue communities in 2012, and gave them over 3500 one-way trips.

Unlike programs like Senior Services Volunteer Transportation program or Catholic Community Services' Volunteer Chore program, we do not receive any transportation funding from the federal, state, or county governments. That's because longer-established organizations have hoovered up what is admittedly a very limited set of resources. I know no one wants to turn their backs on existing relationships, and divide up further an already small pie; and the folks at place like Senior Services and Volunteer Chore are very nice, and we partner with them, so I do my best to not to seethe too visibly with resentment regarding the public money they receive, you know?

We wish we could reimburse our volunteers for their mileage, but we are unable to do so. Our budget for serving these clients with all their needs, not just transportation, is about \$150,000 – a drop in the bucket compared to the hundreds of millions spent on transportation funding in the region. But we get a lot of bang for our donors' buck – just imagine if those 287 frail and disabled clients we serve did all their trips on Metro's Access instead of our volunteers? My back-of-the-envelope calculation is that we saved Metro over \$125,000 in 2012. Just with our transportation services!

Now that you get where we fit in the grander scheme of transportation, and more specifically in the smaller arena of transportation for the elderly with special needs, probably invisibly to you because we don't get government transportation funding...

As it stood before 520 tolling began, it was even then very difficult for us to find drivers who are willing to take our clients to Seattle destinations. We encourage our clients to find health care providers, if at all possible, on the Eastside. However, we do have clients who must receive specific services at Seattle facilities. After the 520 tolling began, we decided as an organization that we would reimburse for the tolls, even if we don't reimburse for mileage, to try to encourage our drivers to do these rides. However, our experience was that our volunteers understand how strapped we are for resources, so they don't want to ask. Instead, they simply don't do those trips – our number of drivers willing to do Seattle destinations dropped even further.

Most of the drivers then that will do Seattle destinations just use I-90, and don't use

520, unless the ride is something like, from the north end of the Sammamish Plateau to UW Medical Center. But if I-90 is tolled, I am afraid that the total number of drivers who will drive to Seattle will drop to something like zero.

So hey, man – you put tolls on I-90, and frail and disabled elders on the Eastside are going to die. Well, we're all going to die, but they're going to die at an earlier age than if you didn't. I could have you talk today to a 62 year old woman in Bellevue who needs daily rides to Seattle Cancer Care Alliance for cancer treatment. No rides, no treatments, she dies. That's just the way it is. Sad but true. She depends on us.

What would be so incredibly cool, is if you would have some small pot of money out of the zillions (couldn't find with a quick tour around the materials on-line exactly how much WSDOT thinks it will make off of tolling I-90, so "zillions" sounds about right) you will raise through the tolls, for volunteer transportation services, like ours, and Catholic Community Services, and Senior Services, and Volunteers of America, and all the other similar programs, and give it to us so we could encourage our drivers to do these kinds of trips. For us, I figure it would be a thousand dollars a year to reimburse for these trips. You're going to spend a freakin' \$1.5 MILLION just studying the idea of tolling. Jesus. Can I have some of the crumbs off of your desk?

A thousand bucks, and I can get some old ladies (and a few old men) over the dang bridge for specialty treatment for cancer, HIV/AIDS (what, you don't think seniors get AIDS?), blindness, and more. It's the humane thing to do, don't you think?

Let me know if you're willing to consider this. It would make a huge difference to our seniors. For a thousand bucks, wouldn't that be worth it?

Warm Regards,

*Claire Petersky*

Executive Director, Eastside Friends of Seniors

[Claire@EastsideFriendsOfSeniors.org](mailto:Claire@EastsideFriendsOfSeniors.org)

425-369-9120

1121 228<sup>th</sup> Ave SE, Sammamish WA 98075

[www. EastsideFriendsOfSeniors.org](http://www.EastsideFriendsOfSeniors.org)

Mercer Island Education Association  
PO Box 470  
Mercer Island, WA 98040

**RECEIVED**

**FEB 22 2013**

**AWV Facilities Team**

Angela Angove  
I-90 Tolling Project  
999 Third Ave., Suite 2200  
Seattle, WA 98104

To Angela Angove:

The Mercer Island Education Association (MIEA) represents over 400 public school employees of the Mercer Island School District. Our members will be greatly impacted should tolls be placed on the I-90 bridges across Lake Washington. In response to your request for community input from impacted groups, we respectfully submit the following information.

- MIEA represents over 400 Classified and Certificated employees of the Mercer Island School District. Sixty-four percent of our members commute onto the Island for work. The other thirty-six percent are Mercer Island residents.
- The average certificated MIEA member who lives off-Island makes approximately 200 trips to Mercer Island a year for work related purposes. At current 520 tolling rates of \$7.18 per rush-hour round trip with a Good-to-Go pass, the annual cost for teachers would be approximately \$1,400. For beginning teachers that represents more than 3% of their annual, before-tax, earnings.
- Classified staff contracts range from 181 days a year to over 300 days. The vast majority work 181 days. Therefore, their annual commute cost would be approximately \$1,300-\$2,100+. That is at least 3% or significantly more of their annual, before-tax, earnings. Many of these workers do not currently earn a living wage.
- A high tolling cost could negatively impact the Mercer Island School District's ability to attract and retain a quality workforce. We expect to lose experienced staff who live off Island if they see their commuting costs significantly rise. We are concerned we may have trouble recruiting the best possible candidates for open positions because people may avoid jobs on the Island due to tolling fees.
- The on-Island bus service is limiting for those who commute to the south end of the Island in the morning. There is only one trip that runs before 8:10am.

We hope you will take these details into consideration as you study the impacts of the various tolling and funding options.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tani Lindquist". The signature is written in black ink and is positioned above the typed name.

Tani Lindquist, President  
Mercer Island Education Association  
(206)790-8976

**To: Mercer Island School Board**  
**From: Mercer Island High School Staff**  
**Date: February 6, 2012**

**When we reflect about our roles as high school educators on Mercer Island, face time in the classroom has often been a minor part of our role as effective, supportive teachers. Most people realize, especially in a district like Mercer Island, that a teacher's impact on a student outside of the classroom is often more important than in the classroom.**

**Tolls will negatively impact students, teachers, and staff whether they live on or off the Island. We all participate in numerous after school, evening, and weekend programs, such as coaching, teaching classes, class and club advisers, parent/teacher conferences, music and performing arts programs, sporting events, dances, science lab projects, chaperones, tutoring, counseling sessions, the Running Start and Washington Network for Innovative Careers Programs, as well as many other important events on and off the island that support kids!**

**In addition, we will limit the number of highly-qualified substitutes, teachers we desperately need on a daily basis. There were many coaches who wanted to attend the City Council session on February 4, 2013 to voice their concerns about tolling; however, they could not attend because they were coaching! Parker Bixby recently stated that the Music Department has between 65 and 80 evening music commitments a year! Adding to the tolls will limit not only our access to these activities, but also our ability to support our students and programs.**

**Moreover, public educators have not had a "cost of living" increase in years. Our paychecks are now lower because of the increase in the payroll tax, and gas prices will continue to increase. We all know that prices on everything will escalate, no matter what. The financial burden of tolls hurts all of us.**

**Most importantly, it will be more difficult to recruit staff. Presently, only seven teachers at the high school live on the Island, and district-wide, two-thirds of our employees live off the Island. We cannot jeopardize losing dedicated and competent teachers and staff, and ultimately negatively impact the lives of the students we so dearly love.**



## MERCER ISLAND SCHOOL DISTRICT #400

4160 86th Avenue Southeast • Mercer Island, Washington 98040  
[www.mercerislandschools.org](http://www.mercerislandschools.org)

T: 206-236-3300 F: 206-236-3333

BOARD OF DIRECTORS

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FEB 22 2013

AWV Facilities Team

February 14, 2013

Ms. Angela Angove  
I-90 Tolling Environmental Assessment Manager, WSDOT I-90 Tolling Project  
999 Third Ave, Suite 2200  
Seattle, WA 98104

Thank you again to you and your colleagues for coming to our meeting to update our board on the I-90 Tolling project and giving us the opportunity to provide input as to the impact tolling I-90 would have on our district.

Because of Mercer Island's unique position as the only community for which I-90 provides the sole means of ingress and egress, tolling I-90 would affect our school district in several profound and adverse ways.

The Mercer Island School District currently employs 491 full-time employees. Of those, only 158, or 32.2% live on Mercer Island itself, with the rest having to commute here via I-90. Of those, 152 (31%) commute Westbound to Mercer Island, and 181 (36.8%) commute Eastbound to Mercer Island. Assuming 180 trips at current 520 tolling rates of \$7.18 per rush-hour round trip with a Good-To-Go pass, the annual cost for each off-island employee would be approximately \$1,300. This would be an untenable burden to the majority of our staff and would significantly impede our ability to recruit and retain a quality workforce. For example,

- A beginning teacher currently earns \$40,454 annually, so tolling would reduce their net, before-tax earnings by more than 3%.
- An assistant coach for most sports earns \$3,075 per season, and requires approximately 60 trips on and off the island. Again, assuming a round trip toll of \$7.18, this would total over \$430 dollars, or more than 14% of these employees' total before-tax compensation.
- The impact of a \$7.18 toll on employees such as referees, tutors or coaches of extra-curricular activities such as chess club, who typically earn approximately \$25 to come here to work at an after school activity or athletic contest, would amount to over 30% of their earnings, making it impractical for anyone to come from off-island without a substantial increase in compensation.

Janet Frohnmayer  
*President*

Brian Emanuels  
*Vice President*

Pat Braman

Adair Dingle

Dave Myerson

We cannot fill our staffing needs with qualified workers without substantially increasing our compensation to offset the added expense of tolling. Tolling would have a negative impact beyond the classroom as noted in the addendum written by the high school staff.

We estimate the aggregate financial impact to the district of offsetting the cost of tolling on our employees to be approximately \$500,000 per year. Because our revenues are fixed by statute and staff salaries are set statewide without regard to the cost of living, this cost would have to come out of existing operations, which would mean direct reductions in instructional support – specifically the loss of approximately 7 of our 250 teaching positions.

In addition to direct operational costs to the district, the impact of tolling I-90 would also severely jeopardize our ability to obtain voter approval for school construction bonds and to renew our maintenance and operations levy. Last year, Mercer Island voters rejected a proposed school construction bond to relieve severe overcrowding in our schools. The proposed bond would have replaced 4 of our 5 schools with brand new buildings at a total cost per household of approximately \$1280 per year; however the bond was overwhelmingly defeated by the voters who cited the cost as the #1 reason for voting against it. As a result, we are in the process of formulating a new, less-expensive bond proposal to present to voters in early 2014.

In addition, our maintenance and operations levy, which provides 26% of our current operating funds, expires in 2014 and will also need to be re-authorized by voters. We are greatly concerned with the impact tolling may have on our ability to obtain voter approval for these levies. If one makes the very conservative assumption that each Mercer Island household would make one peak-hour round-trip commute each weekday, and one round trip each weekend, that alone would cost each household approximately \$40 per week, or over \$2,000 per year, which is nearly double what the cost to taxpayers would be for a new school construction bond and renewal of our operations and maintenance levy.

For these reasons, we do not support tolling I-90. It is critically important to us that any proposal for tolling I-90 mitigate the impact on students, school district employees and Mercer Island taxpayers. The cost of tolling should not be borne uniquely and disproportionately by the Mercer Island School District out of all the districts in Washington State, and if implemented compensation should be provided. We are further asking for a full Environmental Impact Statement (EIS) on the social, demographic, cultural and financial impact on the people of Mercer Island including those who work for the school district, taxpayers, parents and students.

Thank you again for your consideration.

  
Janet Frohnmayer   Brian Emanuels   Pat Braman   Adair Dingle   Dave Myerson

Board of Directors  
Mercer Island School District #400



Gary Plano, Ed. D.  
Board Secretary and Superintendent



## MERCER ISLAND SCHOOL DISTRICT #400

4160 86th AVE SE • Mercer Island, Washington 98040-4121

[www.mercerislandschools.org](http://www.mercerislandschools.org)

T: 206-236-3300 F: 206-236-3333

### BOARD OF DIRECTORS

November 4, 2013

Ms. Angela Angove  
I-90 Tolling Environmental Assessment Manager, WSDOT I-90 Tolling Project  
999 Third Ave, Suite 2200  
Seattle, WA 98104

Thank you for the opportunity to submit written testimony about scoping of the I-90 Tolling Project Environmental Impact Statement.

Because of Mercer Island's unique position as the only community for which I-90 provides the sole means of ingress and egress, the notion that I-90 and SR-520 together constitute a single "Cross-Lake Washington Corridor" is absurd. 520 does nothing to enable our off-island staff to get to work, nor for our students and families to attend school-related activities off Mercer Island, nor for those outside the Island to attend school-related activities on Island. Therefore, the impact of tolling I-90 must be evaluated based on its effect on Mercer Island and the I-90 corridor itself, as tolling I-90 would affect our school district in several profound, unique and adverse ways.

The Mercer Island School District currently employs 491 full-time employees. Of those, only 158, or 32.2% live on Mercer Island itself, with the rest having to commute here via I-90. Of those, 152 (31%) commute Westbound to Mercer Island, and 181 (36.8%) commute Eastbound to Mercer Island. Assuming 180 trips at current 520 tolling rates of \$7.40 per rush-hour round trip with a Good-To-Go pass, the annual cost for each off-island employee would be approximately \$1,300. This would be an untenable burden to the majority of our staff and would significantly impede our ability to recruit and retain a quality workforce. For example,

- A beginning teacher currently earns \$40,454 annually, so tolling would reduce their net, before-tax earnings by more than 3%.
- An assistant coach for most sports earns \$3,075 per season, and requires approximately 60 trips on and off the island. Again, assuming a round trip toll of \$7.40, this would total over \$440 dollars, or more than 14% of these employees' total before-tax compensation.
- The impact of a \$7.40 toll on employees such as referees, tutors or coaches of extra-curricular activities such as chess club, who typically earn approximately \$25 to come here to work at an after school activity or athletic contest, would amount to over 30% of their earnings, making it impractical for anyone to come from off-island without a substantial increase in compensation.

We cannot fill our staffing needs with qualified workers without substantially increasing our compensation to offset the added expense of tolling. Tolling would have a negative impact beyond the classroom as noted in the addendum submitted previously by our high school staff.

We estimate the aggregate financial impact to the district of offsetting the cost of tolling on our employees to be at least \$500,000 per year. Because our revenues are fixed by statute and staff salaries are set statewide without regard to the cost of living, this cost would have to come out of existing operations, which would mean direct reductions in instructional support—specifically the loss of approximately 7 of our 250 teaching positions.

Janet Frohnmayer  
*President*

Brian Emanuels  
*Vice President*

Pat Braman

Adair Dingle

Dave Myerson

In addition to direct operational costs to the district, the impact of tolling I-90 would also severely jeopardize our ability to obtain voter approval for school construction bonds and to renew our maintenance and operations levy. Last year, Mercer Island voters rejected a proposed school construction bond to relieve severe overcrowding in our schools. The proposed bond would have replaced 4 of our 5 schools with brand new buildings at a total cost per household of approximately \$1280 per year, a \$700 increase over the ongoing spending; however the bond was overwhelmingly defeated by the voters who cited the cost as the #1 reason for voting against it. As a result, we have developed a new, less-expensive bond proposal to present to voters in early 2014.

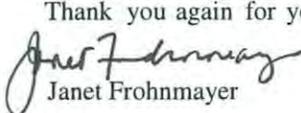
In addition, our maintenance and operations levy, which provides 26% of our current operating funds, expires in 2014 and will also need to be re-authorized by voters. We are greatly concerned with the impact tolling may have on our ability to obtain voter approval for these levies. If one makes the very conservative assumption that each Mercer Island household would make one peak-hour round-trip commute each weekday, and one round trip each weekend, that alone would cost each household approximately \$40 per week, or over \$2,000 per year, which is about what the cost to taxpayers would be for a new school construction bond and renewal of our current maintenance and operations levy. For many families, with 2 parents working off-Island, and a student in an activity off-Island, the toll would be easily greater than the entire property tax of their house.

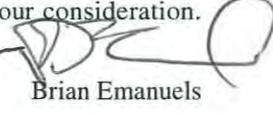
For these reasons, it is critically important that the scope of the EIS take into account the full social, demographic, cultural and financial impact on the people of Mercer Island, including those who work for the school district, students, parents, and taxpayers, and that alternative sources of funding be considered that would not disproportionately affect our community and district. Accordingly, we request that the EIS specifically address:

- The impact on our ability to recruit and retain qualified teachers and other staff.
- The impact on our operational budget if tolling were to be implemented on I-90, forcing us to provide offsetting compensation for staff.
- The impact on our ability to pass school construction bonds and operating levies.
- The impact on our athletic and activities programs due to the difficulty tolls would impose on our ability to attract and retain coaches and referees.
- The impact on athletic and other extracurricular activities, due to a likely decrease in attendance tolling would cause, both on Islanders' ability to travel to off-island events and on visitors' ability to afford to attend events on Mercer Island.
- The impact on related programs that are important to our students and families, which rely on personnel originating off-island, such tutors, music and drama instructors, club advisors, etc.
- The impact on students and their families from the increased cost of participating in off-island activities, such as tutoring, community service, music lessons, Mt. Baker rowing club, and a plethora of other activities our students may no longer be able to afford to participate in.
- Alternative sources of funding for SR-520 completion and other regional transportation needs that would not place a disproportionate burden on our community. These alternative sources should include, at a minimum: a gasoline tax, sales taxes, property taxes, vehicle license fees, motor vehicle excise taxes, a regional transportation district, federal funding, and a modification in the plans for 520.

In summary, imposition of tolls on I-90 would clearly have profound and wide ranging effects on the entire educational ecosystem that is highly valued by our community, so it is critical that those effects be comprehensively analyzed and addressed in detail as part of the EIS. We believe that tolling I-90 to pay for completing SR-520 would not only place a disproportionate burden on our community and the school district specifically, but is an overly narrow, piecemeal approach to solving just one of many regional transportation needs that should instead be considered holistically and funded comprehensively in a manner that is fair to all residents of the region.

Thank you again for your consideration.

  
Janet Frohnmayer

  
Brian Emanuels

  
Pat Braman

  
Adair Dingle

  
Dave Myerson

Board of Directors  
Mercer Island School District #400

  
Dr. Gary Plano, Ed. D.  
Board Secretary and Superintendent

NO TOLL ON I-90  
P.O. BOX 931  
MERCER ISLAND, WA 98040  
Email: [notolloni90@aol.com](mailto:notolloni90@aol.com)

February 22, 2013

Washington State Department of Transportation  
Attn: Angela Angove  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

Hand-Delivered &  
by Email

RE: I-90 Tolling EA Comments

Dear Sir or Madam:

In addition to our comments below, we are hand delivering to you today hard copies of approximately 5,237 inked signature petitions signed to date by persons opposing tolling on Interstate 90 ("I-90"). We anticipate receiving more. In addition to the hard copies of petitions, as of Friday morning February 22, 2013, an additional 1,003 on-line petitions have been submitted to WSDOT via our on-line No Toll on I-90 petition facility which has been in existence for less than 4 days.

Clearly, there is significant public controversy and opposition to tolling I-90. This opposition stretches from Bainbridge Island and Vashon to Seattle and on east to at least Yakima and Leavenworth, and north and south of I-90.

These are our initial comments, and these comments raise numerous unanswered questions that could have far reaching ramifications. We put WSDOT on notice that we further reserve the right to advance additional comments as the process proceeds and the metrics are analyzed and reported to the public by WSDOT. We understand that this is the beginning of WSDOT's effort to study tolling I-90 as part of a legislatively ordered comprehensive environmental process. WSDOT, or preferably a more suitable neutral fact-finding entity without conflicts of interest, needs to undertake a deep, complete and thorough environmental and economic and social analysis of the impacts of tolling, not only the greater Puget Sound area, but also on a state-wide basis and beyond to fully understand the consequences of tolling an interstate highway and tolling's impacts on interstate and intra-state commerce, affected counties, cities, communities, businesses,

schools, access to medical care, jobs, goods and services, and impacts to traffic, social networks, the environment, the ability to worship in chosen faith communities, impacts to local and regional economy, ability to participate in political activity, change in access and traffic patterns, change in property values, residential, business and school relocations, impacts on tourism, and loss in permanent jobs.

The analysis and study should also take into account people's preference not to live and work and play in an area that is broken up and divided into tolled segments that create economic and social wedges between east and west, and discourage the ability to fully enjoy and participate in the economic, social, cultural, business, political, charity and recreational pursuits and interests that make Washington such a desirable and interesting place to call home.

The analysis and study should take into account the impacts on protected populations, which include low-income populations, racial and ethnic minority populations, and people over the age of 65 upon whom tolls have a hugely detrimental impact. Low income people from both sides of the lake need to get to jobs on the other side of the lake. Low income people and senior citizens living on social security and their savings could be precluded from crossing the lake or getting off of Mercer Island, if they have to pay high tolls or pay for a long trip around the lake. A long trip around the lake is unnecessarily expensive, bad for the environment (increased emissions, fuel usage, and storm-water contaminants), and has negative traffic impacts, among other issues.

WSDOT and the state legislature should have as its mantra and goal: DO NO HARM. The impacts of tolling I-90 must be studied in detail, at the micro and macro level. It is at the micro-level where most human beings live, work and play. It is at the micro-level where the impacts of tolls take their toll on individual and family pocket books, and they are felt harshly and directly. From the micro-level, WSDOT can scale up to determine the macro-level impacts and consequences.

Tolling an interstate to siphon off money to pay for a local road/bridge project is unprecedented in Washington state, and would be only the second "pilot project" in the United States. Tolling an interstate that has already been paid for to pay for a local road project is bad policy on many levels. Decision makers need a full, deep and comprehensive study and analysis, by a neutral fact-finder, to understand the consequences of their decisions now and as those decisions pertain to the future of impacted commerce, business and communities that will be most affected.

Other funding mechanisms must be included in the analysis/study to compare tolling's burdens and consequences to the more broad-based gas tax. Tolls hit a small population very hard and have very harsh and profound impacts. By way of illustration, if tolls were set on I-90 at the same level as they are set on SR 520, the annual new tax could range from \$2,000 per year for one round-trip a day, to many multiples of that amount depending upon the number of times per day I-90 is used.

An average yearly cost could be in excess of \$6,000 per year, with two working parents and an active family.

Whereas, a nine (9) cent increase in the gas tax (5 cents in 2014; 4 cents in 2015) could generate over \$3.388 billion over 10 years when bonded, and could be allocated to pay the \$1.4 billion unfunded cost of SR 520, plus \$688 million for highway maintenance and operation and preservation (as much as \$500 million for I-5 repaving), and \$700 million for I-405 Bellevue to Renton, \$540 million for I-90 Snoqualmie Pass East, \$465 million for the Columbia River Crossing, and \$365 million for SR 395 North-South Freeway in Spokane, according to the Washington Roundtable. A nine cent increase in the gas tax would amount to about \$45 per year, assuming an average 12,000 miles driven per year and an average vehicle getting 25 mpg ----  $12,000 \text{ miles} \div 25 \text{ mpg} = 480 \text{ gallons} \times 9 \text{ cents} = \text{less than } \$45/\text{yr}$ .

Commercial freight trucks using I-90 and crossing Lake Washington bound for Seattle or the Port of Seattle would also suffer a high new tax from tolls, and trucks would be charged at a high rate depending upon the number of axles. The increased cost of tolls per year for freight trucks would increase the cost-of-living for everyone, as the toll would be added to the cost of the goods transported and passed onto consumers. Toll fees would make the end price to the consumer higher, and thereby make the cost of goods in tolled trucks less competitive in comparison to freight that is not subject to tolls. The result may depress or shift markets and freight destinations away from Seattle and the Port of Seattle. The impacts of tolling the interstate on commerce and freight must be studied in depth and analyzed. If the Port of Seattle was worried about the impact of a new basketball stadium near the port and resulting loss of jobs, the Port should be very concerned about tolls on trucks crossing Lake Washington, as they may decide to shift to the south on untolled roads to the Port of Tacoma as an alternative to tolls or driving through heavy traffic around the lake.

Washington has little experience with tolling and it is not always possible to understand how people will react. What is known, is that tolling falls harder on people, businesses and communities than the more broadly based gas tax, and tolling is very expensive to collect leaving less money available to go to the actual road/bridge project.

Tolls drive a wedge between communities and people and jobs, and are disruptive. Since WSDOT admits that tolls will last forever on I-90, the impacts of tolling will be lasting and will drive decisions on where to live, work, shop and play, and how and where and when to spend discretionary time and money in the future. WSDOT and the state legislature need to fully understand the consequences if it moves to placing an economic barrier between Seattle, Mercer Island, Bellevue and other Eastside cities and communities, and the impacts on freight, the Port of Seattle, and on the communities, diaries, agricultural and industrial businesses and families east of the Cascades. Freight could easily move to Tacoma to avoid the

added expense of tolls on I-90. Schools could fail if teachers and staff cannot afford the tolls. Business could fail if employees cannot afford the tolls. People will lose jobs, if their tolls are unaffordable and the purchaser of their service cannot afford to pay for other people's tolls.

Every trip will be analyzed in advance by the purchaser of that toll as to its benefit and burden. People may stay at home, rather than visiting friends and relatives that live on the other side of the lake, or patronizing small businesses or large, restaurants, professional sports, the arts or symphony or zoo or Aquarium depending on which side of the lake they are on. Charity volunteer work may come to a stand-still, as volunteers who live on one side of the lake won't be able or willing to pay the tolls. Even participation in political life is at risk, if legislative districts span both sides of the lake. Tolls will interfere with parents' choices on where to send their children to school, if they live on one side of the lake and the school is on the other. Tolls will interfere with choice of faith communities. Grandparents and grandchildren and friends will spend more virtual time together, rather than personal time. Children will not be offered as rich an experience in school, as parents and schools weigh the cost of the added cost of tolls on school programs, particularly afterschool sports and evening programs and events. The high added tax of tolls will likely impact voters' willingness to vote in favor of school building levies or for taxes supporting other area programs. Tolls are an in-your-face-every-trip tax bill, which will breed resentment and with constant reminder that the new high added tax is being imposed by government and charged on an interstate highway that has already been paid for in order to support a mismanaged, gold-plated Seattle/Redmond local road project (SR 520) that I-90 drivers do not even use. Resentment will be deep and forever.

Each and every resident of the state, and businesses, deserve a neutral, in depth, comprehensive, thorough study and analysis before a decision is made that will profoundly affect the movement of people, goods and services. The superficial EA process is inadequate and inappropriate.

**1. The National Environmental Policy Act requires a full Environmental Impact Statement Analysis, rather than the superficial Environmental Assessment WSDOT is currently undertaking, when there is significant public controversy.**

The National Environmental Policy Act ("NEPA") and policy manuals generated under NEPA require WSDOT to shift from the superficial Environmental Assessment process that WSDOT is currently undertaking, to the more comprehensive Environmental Impact Statement ("EIS") process, when there is significant public controversy on the proposed governmental action/change.

There is significant public controversy on WSDOT's plan to toll I-90 to pay for the \$1.4 billion dollar unfunded cost of the SR 520 bridge. The petitions gathered by just one organization (No Toll on I-90) in a very short period of time clearly

demonstrates the existence of significant public controversy, as do the newsprint and TV press on this issue.

The I-90 bridge has already been paid for. Tolls on I-90 would amount to a new high tax specifically targeted on the users of one interstate highway, a captive island, and on communities and interests dependent upon I-90 to get what they need and where they need to go.

Never before in the history of the state of Washington, nor until recently in the entire United States, has one bridge been tolled to pay for another, except in the case of the Tacoma Narrows Bridge where the two bridge sections handle only one-way traffic and are located about 300 feet apart and serve the exact same entry and exit highway.

The SR 520 bridge is located several miles to the north of I-90 bridge. The SR 520 bridge is a local road between Seattle and Redmond, dead-ending in Redmond. I-90 is an interstate highway of state significance, traveling between the Port of Seattle and Boston.

There is only one example of an interstate highway being allowed to be tolled by the federal government under its Value Pricing Pilot Program, to raise funds to pay for the construction of another road. That is in Virginia. That too is the subject of significant public controversy, and there is pending legal action to stop the tolling.

In addition to the significant public controversy on tolling I-90, Mr. Craig Stone, WSDOT's tolling representative, stated on camera at the EA meeting held on Mercer Island on January 29, 2013, that there are clearly, "significant impacts on Mercer Island". There are also significant impacts on other communities and interests up and down the I-90 corridor, impacts to social networks, change in access and impacts on traffic patterns, potential loss of jobs and business and residential relocations, as well as negative impacts on protected populations, social and residential disruption, negative impacts on schools, faith communities, charity and volunteer work, political activity, and other commercial and cultural impacts affecting how people live, work and play in the vicinity of the planned tolling and impacts to communities distant to the planned tolling gantries.

Many who use the I-90 corridor are not even aware yet of WSDOT's interest in tolling the interstate, nor of the impacts. Once alerted, the level of public controversy will rise further.

A superficial EA process is not appropriate for analyzing potential governmental action of such a profound change, and in light of significant public controversy. The EA process should be terminated immediately, and a fuller, more comprehensive analysis should be undertaken.

**2. WSDOT should extend the time period for submitting comments beyond 30 days and do better public outreach to actually reach the public.**

The 30 day comment period set by WSDOT on this matter is too short for such a wide-spread and profound change. There are many people, businesses, schools, and other interests that are not even aware yet of WSDOT's plans to toll I-90, much less the existence of the EA process.

WSDOT has not done much in the way of bringing the process and its plans to public attention. By way of example, even in Seattle, the state's largest city, there were only about 47 people who attended the EA meeting at the Yesler Community Center. The meeting place was out of the way, hard to find, hard to get to, and seemed to have been selected to ensure a low turn-out, as there was almost no parking available at that community center, nor on the street. The community center appeared to be geared almost exclusively to young children, youth basketball, a drumming room, with few adults even coming into the center, and rather kids would go outside to be picked up. The lack of turn-out is not due to lack of interest in tolling I-90, but rather due to poor outreach by WSDOT. The EA meeting set in Bellevue had a better turn-out, but still small, undoubtedly due to poor outreach by WSDOT and lack of getting notice out to the Bellevue population by post-card or otherwise. Based upon the recent outreach No Toll on I-90 has done in Bellevue, most of the residents have no idea that WSDOT plans to toll I-90. Many people do not take the newspaper or watch TV, much less check into WSDOT's website on any regular basis to find out what WSDOT may be doing.

A 30 day comment period is not enough time to alert residents in a city as big as Bellevue or Seattle, much less to the smaller outlying areas on the I-90 corridor, that something bad and very expensive is coming your way. The city of Bellevue, by way of example, does not even have tolling I-90 on its city council agenda. The County of Yakima was not aware of the tolling issue until contacted by a representative of No Toll on I-90. Undoubtedly, cities and counties up and down the I-90 corridor may not be aware, much less have had time to submit comments to WSDOT on the EA.

WSDOT's representative Craig Stone refusal to allow the over 800 persons who appeared at WSDOT's EA meeting on Mercer Island, to give public comments at the meeting, although the meeting had been advertised by WSDOT as a public meeting where the public would be allowed to give oral/verbal comments. Mr. Stone's inexplicable refusal to allow public comment precluded 800 plus persons from being recorded and their comments entered into WSDOT's record on the EA process. The EA meeting was attended by many senior citizens who may not have access to computers or email, or may find it hard to write their comments down. Mr. Stone's refusal to allow public comment precluded their participation in the EA process. Mr. Stone's actions were intentional, and he reduced public participation in the process and reduced the number of comments submitted to WSDOT.

A 30 day comment period is not enough time to even alert communities, cities, businesses, and interests throughout the state of Washington about the prospect of tolling I-90, much less enough time for submitting scoping comments. WSDOT must extend the comment period and must do a much better job in contacting communities, businesses and interests about WSDOT's plans. Even on Mercer Island, where the No Toll on I-90 organization was able to alert the community through out-of-pocket contributions to buy yard signs and by direct in-person contacts, many are just starting to realize what tolling I-90 will mean to them, their families, friends, businesses, schools, churches, synagogue, pre-schools, child care, elder care, senior citizens, senior housing/convalescent services, property values, community values and interests, charity work and other activities and needs.

**3. WSDOT has not been sufficiently inclusive of geographic areas and communities in its EA Scoping process, leaving many out of the process.**

WSDOT has left many people, businesses, interests, charities, communities, cities, and counties, businesses out of the scoping process. WSDOT has so narrowly defined the I-90 corridor that residences and businesses and schools that are close to I-90 are not even considered and defined to be in the I-90 corridor. By way of example but not of limitation, Newcastle, Issaquah, Sammamish, and areas of Bellevue south of I-90, and Renton, are not within the area that WSDOT has designated. By further example, WSDOT is not including communities further east on I-90 than Exit 12 in Eastgate.

If WSDOT contends that on-ramps and exits further east than Eastgate do not contribute to traffic across Lake Washington, then WSDOT needs to either confirm or negate that contention with data, so scoping can proceed and cities and counties and communities and business and other interests and activities east of Eastgate can be assured that any actions, including tolling, will not negatively impact them. Until such time that WSDOT can establish factually the lack of impacts, impacts should be assumed and studied/analyzed fully. WSDOT should pause the scoping process until it establishes a more factually accurate impact area so that communities and businesses and interests that have not been included, are included.

Based on the addresses of No Toll on I-90 petitions that have been received as of this writing, WSDOT's plans to toll I-90 will negatively affect people, schools, businesses, freight, the economy, jobs, commerce, tourism, social, cultural, religious and other interests and needs of people from Seattle, Mercer Island, Bellevue, Issaquah, Sammamish, Newcastle, Snoqualmie, North Bend, Maple Valley, Kirkland, Burien, West Seattle, Renton, Tukwila, Lake Stevens, Federal Way, Auburn, Algona, Kent, Duvall, Bainbridge Island, Bonney Lake, Lynnwood, Kenmore, Burbank, Covington, Redmond, Snohomish, Shoreline, Mulkilteo, Woodinville, Fall City, Darrington, Bothell, Monroe, and Puyallup.

In addition, Spokane, the Tri-Cities, Moses Lake, Yakima, Sunnyside, Selah, Toppenish, Grandview, Prosser, Cle Elum, Ellensburg, Leavenworth, Wenatchee, Cashmere and the Methow Valley and more will be impacted by tolls, by both an increase in cost of living as freight trucks, milk haulers, fuel haulers, beverage distributors, animal haulers, fruit, nut, grape and agricultural transporters, along with trucks hauling food, clothes, new/used cars, boats, equipment, construction equipment and materials and other goods, as trucks and transporters that use I-90 get hit with high tolls, in addition to private vehicles.

There will also be negative impacts on tourism and professional sports and youth sports organizations and participants and spectators go in both directions on I-90, and people will be charged more for getting to and from Seattle, to and from the Cascades for hikes, bike riding, skiing, or to or from sites for boating, fishing in the Sound or the lakes and rivers east of the Cascades, getting to/from to the popular four season resort of Suncadia, to the wine country and the Gorge, to the Columbia River, the Yakima River canyon, and places east for jobs, agricultural work, youth sports, sight-seeing, hunting and fishing, rafting, hiking, bike riding, and other activities.

WSDOT should extend the comment period and hold public meetings in all places where there are negative impacts, and make sure that the meetings are well-advertised and geared towards actually informing/alerting people and businesses, schools and other interests, and that oral comments are taken and recorded as many people may have problems writing comments; or WSDOT should establish and explain why communities and cities and counties further east than Exit 12 (Eastgate) on I-90 were not part of the scoping process, and will not be exposed to any impacts from tolling I-90 that merit public and governmental input from those communities.

WSDOT's EA scoping area must be expanded beyond Eastgate, and the time for submitting comments extended.

**4. WSDOT must consider I-90 as a highway of state significance and align its actions in accordance to that significance to the region and the state.**

I-90 is a highway of state significance, recognized as such under state statute. Tolling one end of I-90 or the other, or in between, impacts communities all along the I-90 corridor and north and south of it, as the interstate highway is the economic spine of Washington state that connects east with west. The increased cost-of-living and other impacts of tolls will be regional and statewide in impact, and this should be studied.

**5. WSDOT must comply with the 1976 Memorandum of Agreement that governs the configuration, access and operation of I-90 between I-5 in Seattle and I-405 in Bellevue.**

The 1976 Memorandum of Agreement (“MOA”) for I-90 is an agreement which governs the configuration, operation and access of I-90 between I-5 in Seattle and I-405 in Bellevue. The MOA requires that before any change may be made in the configuration or operation of the subject I-90 segment, there must be consultation with and concurrence by the signatories to the MOA to that change. WSDOT has not obtained the City of Mercer Island’s consent to the superficial EA process. WSDOT has not obtained the City of Mercer Island’s consent to tolling I-90. Tolling is a change in operation and access to I-90.

**6. WSDOT must analyze and consider the distribution of the benefits and burdens of the contemplated tolling project.**

In the case of tolling I-90, tolling would be a new high tax targeted at I-90 users and the captive island of Mercer Island, to pay for the unfunded \$1.4 billion cost of construction of the western approach to the SR 520 bridge (and for all of its non-road project elements including expansive lid parks, bike paths, viewing stations, Arboretum improvements, tree-lined boulevards and other project elements not related to motorized vehicle travel). All inure to the benefit of users of the SR 520 bridge and to the surrounding neighborhoods of the SR 520 bridge. There are no benefits to I-90 users or to the neighborhoods where I-90 users come from. The new tolls would be a tax. The burdens of a new high tax should be fully studied and analyzed. The EA process is not sufficient or appropriate for that kind of analysis.

**7. WSDOT’s Assumption that SR 520 and I-90 are in the same travel “corridor” is fundamentally flawed.**

WSDOT’s assumption and characterization that SR 520 and I-90 are in the same “corridor” is fundamentally flawed. The assumption and characterization are born from a desire to build parks and bike projects rather than sticking to roads and bridges, and spawned from WSDOT’s need to find a huge pot of money in order to do that. Rather than being practical and sensible given today’s economy and lack of federal funding for lavish projects, WSDOT and some state legislators have concocted justification on how to do that off the backs of I-90 users. That concoction is making up a new fiction --- the “Cross-Lake Corridor” --- pretending that I-90 is in the same single corridor as the local SR 520 road, which is neither an interstate highway nor a road of state significance. The SR 520 road/bridge is a local road from Seattle to Redmond. It dead ends at I-5 in Seattle and in Redmond at its eastern terminus. SR 520 carries little freight traffic. It carries local traffic. SR 520 does not even extend close to the King County boundary.

Meanwhile, I-90 is an interstate freeway, a freight corridor, and it carries motor vehicle traffic across the width of Washington state and across the width of the United States, from the Port of Seattle to Boston. I-90 serves a completely

different interstate and intra-state purpose than the local SR 520 road, and has different commerce, population and user groups.

Before the SR 520 bridge was tolled, it was rarely used by I-90 bridge users. The study done in 2008 by the 520 Tolling Implementation Committee demonstrated that I-90 and SR 520 are not in the same travel shed or traffic corridor. See traffic origins map on page 24 of the Open House materials for the 520 Tolling Implementation Committee. That study, done prior to tolling on SR 520, demonstrates SR 520 is a separate traffic corridor from I-90. The prior shows a clear and distinctly separate use.

Tolling SR 520 has caused some diversion of traffic onto I-90, by drivers seeking to avoid the SR 520 tolls. But that diversion does not mean that I-90 and SR 520 are in the same travel shed or traffic corridor. It means that WSDOT should study, analyze and consider the benefits of lowering the toll rates on the SR 520 bridge to alleviate the burdens of diversion on the I-90 bridge and on I-5 and I-405 and on local roads around the northern edge of Lake Washington.

The I-90 bridge has been paid for once. That should eliminate it from consideration for future tolling.

**8. WSDOT has an obvious conflict of interest in conducting an Environmental Assessment or EIS on the tolling project, and should be required to stand down and obtain a more neutral fact-finder.**

The burden of tolling I-90 is severe and profound, falling very heavily and unfairly on I-90 users. The full burden must be studied and analyzed, and not through a superficial study such as an Environmental Assessment, or through a study or analysis conducted by WSDOT. WSDOT is not a neutral entity or neutral fact-finder in this case. WSDOT wants to toll I-90 and wants to establish reasons for doing that. WSDOT is an entirely inappropriate agency to be conducting the study and analysis, as it is so completely conflicted in terms of conflict of interest. The state's auditor's office would be a better candidate for undertaking the study/analysis, not an agency like WSDOT that wants and needs the money.

**9. Reducing the SR 520 toll rates should be studied and analyzed to determine appropriately lower toll rates for SR 520 to minimize and mitigate the effects of diversion.**

The level of diversion from SR 520 to I-90 is irritating to some drivers on I-90, but that irritation does not rise to the level of willingness to pay \$2,000 a year or more, or many multiples of that amount, in order to encourage less diversion from SR 520. People who are diverting from SR 520 to I-90 may be doing that because the toll rates on SR 520 have been set too high, so that the tolls are unaffordable or unbearable. WSDOT or the Washington State Transportation Commission's decision on the toll rates should not be the basis or excuse for also tolling I-90. Reducing the

SR 520 toll rates to a more affordable level should be studied and analyzed as mitigation to minimize diversion.

**10. The assumption that tolling I-90 will alleviate congestion on I-90 is flawed and a contrived benefit that is unsubstantiated by analysis.**

Employees have very little choice or control over when they need to be at work and when their work day is over. Parents have very little choice or control over when school gets out, or when the pre-school closes. The assumption that employees can shift their start time to after 10 a.m., or shorten their work day so they can leave work before 3 p.m. is not based in reality. People who don't have to drive during rush hours usually don't. The idea that it's good policy to price people off the bridge by congestion-based pricing, making it too expensive for people to use a bridge that has already been paid for, and thereby forcing them to make a much longer trip around the lake, is mean and unfair. The mean and unfair impact of congestion-based or variable tolling must be fully analyzed and studied in comparison to much more benign types of transportation funding.

**11. The effect of tolls on I-90 to divert traffic into the I-405 and I-5 corridors southbound must be fully studied/analyzed.**

Any diversion of traffic from I-90 to southbound I-405 will back up arterials in Bellevue and cause greater congestion on I-90 westbound in the evening rush hour with potential back-ups past Eastgate and into Issaquah. Any diversion from I-90 to southbound I-405 will worsen the already tortuous slog home on I-405 south during evening rush hours. Any diversions from I-90 to southbound I-5, will worsen back-ups on I-5 and on the I-90 access ramp to I-5 south.

**12. The effect of tolls on protected populations, senior citizens and other low-income people must be studied and analyzed thoroughly.**

Tolls are expensive and are the most regressive way to fund transportation projects. They hit a smaller population and they hit hard. They negatively impact senior citizens who are living off of social security and savings, or if they are lucky, pensions. Tolls could amount to more than the co-pay for medical visits. Tolls have a very harsh impact on low-income populations.

**13. WSDOT should consider tolling SR 520 eastbound and westbound between I-5 and the Montlake on-ramps and exits to increase toll revenue from actual SR 520 users.**

On average, there are approximately 26,000 vehicles that travel the SR 520 segment between I-5 and the Montlake exits and on-ramps. *See* WSDOT Ramp & Roadway metering studies. Those vehicles actually use the tolled facility, yet they are not currently being tolled, nor is there a plan to toll that traffic in the future. It is unfair to toll I-90 users for using a bridge that has been paid for. It is unfair to toll I-

90 users to pay for a bridge they don't use (the SR 520 bridge). It is inconceivable that WSDOT and the state legislature would not toll drivers who actually use the SR 520 road/bridge, but rather toll those who do not. WSDOT should consider tolling the actual users of the SR 520 bridge, and study how much added revenue would be generated from the 26,000+ vehicles now allowed to drive on SR 520 for free.

**14. WSDOT should consider eliminating the expensive SR 520 project elements that are not for motorized vehicles, and construct a bridge that the state can afford.**

WSDOT has bungled and mismanaged the SR 520 bridge project and it has thrown in over 7 miles of very expensive approach work into the bridge project. The only part of the SR 520 bridge that was at risk of failure during a 100 (or 500) year winter storm was the floating section of the bridge.

Rather than focusing on building roads and bridges, WSDOT has engaged in designing an extravagant dream bridge, complete with expansive and extensive lid parks, viewing stations, walking paths, bike paths, tree-lined boulevards, and other bells and whistles, adding large costs to the project that are not related to motor vehicles or environmental concerns of fish, fowl, habitat, air and water quality.

If the state cannot afford all the bells and whistles of the current SR 520 design, it should not build it, and it certainly should not pass the huge expense of the local Seattle to Redmond road unto the backs of users of the I-90 interstate highway.

WSDOT should study and analyze the benefits of scuttling the SR 520 project non-road project elements that remain unfunded, against the burdens of tolls on I-90.

There is no emergency or statewide need to build the expensive lid parks, bike paths and viewing stations of the SR 520 bridge project. If the state lacks funds to build WSDOT's dream bridge, the project should not be undertaken, or a special local improvement district or local transportation benefit district should be established encompassing the neighborhoods that want the parks and will benefit from the non-motor vehicle project elements, that is IF the neighborhoods surrounding the western approach of the SR 520 bridge really want all the expensive new parks, bike paths and walking trails, etc.

WSDOT should also study and analyze why the city of Seattle is apparently not paying anything for the SR 520 bridge/park project, when the unfunded segment is located entirely within the city of Seattle and SR 520 is a local road. Why are the users of the interstate highway being asked to pay for something located totally within the Seattle city limits, for new Seattle parks and bike paths, when Seattle is not paying anything for those city assets, and when Seattle cannot even afford to take care of the parks that it already has?

**15. The impacts of tolls on Mercer Island, its residents, schools, businesses, charity/volunteer organizations, city government, property values, senior citizens, elder care, cost-of-living, and access to needed off-island medical care, goods and services, access to recreational/entertainment resources, the airport, Mountains and Sound and to the rest of the state, must be fully and thoroughly studied and analyzed as I-90 is the only road on and off the island.**

The most significant impact will be directly to the 23,000 residents who live on Mercer Island, as there is no other way to get on or off the island other than I-90. The direct impact is significant and may be on the order of \$3,000 to over \$6,000 or more per year, depending on the number of people in the family working off island, the number of children and their activities, the amount of volunteer work, the number of medical care visits, the type of work involved, cultural and social activities, off-island friends and relatives, hobbies, interests, and the lack of goods and services and things to do on the island.

Mercer Island is only 2 miles wide and 5 miles long. There isn't even a movie theatre on the island, or a place to buy shoes or clothes, or get the car serviced other than an oil change. Soon there won't even be a hardware store. One can't get to either Seattle or Bellevue, without driving on I-90. Only seven teachers in the high school live on Mercer Island. The quality of schools which is a main driver in deciding to live on Mercer Island, is at risk of collapse if teachers cannot afford the tolls or high quality teachers who have a range of opportunities don't want to pay tolls out-of-pocket and choose to work in another school district due to the expense of tolls.

In addition to properly assessing impacts, WSDOT needs to establish how much the average Mercer Island resident will spend on tolls annually if every trip off the island is tolled, as Craig Stone, WSDOT's Tolling manager, noted as a range of outcomes. Diminution of property values needs to be analyzed by WSDOT, loss of permanent jobs, business relocations, and residential relocations if seniors and others can no longer afford to live on the island due to the high added expense of tolls for which they obtain no benefit. WSDOT needs to study and determine a direct estimate of tolling cost per residential address and per business address on average for each tolling scheme; WSDOT needs to study the impacts on the public school system, and on the private schools on Mercer Island; WSDOT may need to consider having a hospital or other medical care infrastructure built on Mercer Island to mitigate the impact of tolling every resident so residents can stay on the island who cannot afford the tolling; WSDOT must estimate the impact on property values as a direct negative impact if property values either decline or are suppressed by tolling on Mercer Island.

WSDOT needs to commission an economic study to quantify the negative impacts on property and the tax base to discover whether a burden is being shifted from one group of users to another set of residents that will become disproportionately disadvantaged and raise environmental justice issues. Mercer

Island has a very high percentage of residents over the age of 65, a protected population upon which tolls will offer no benefit and high burden. WSDOT needs to study and analyze the impacts to social networks and social resources, and the impact on ill and elderly residents, and handicapped residents. WSDOT must do an economic analysis as tolling is likely to have a substantial adverse effect on a large segment of the economy and will likely cause the loss of more than 10% of permanent jobs on the island. Tolling I-90 will displace businesses and change travel patterns, travel times, parking, and land use, changing Mercer Island from being a desirable place to live and work to one to be avoided.

Tolls will affect government revenues and expenditures, which must be studied. Tolls will result in changes in employment opportunities, which must be studied. Tolls will result in changes in business vitality due to retail sales, changes in access to the business due to added expense and no benefits, and competition from businesses located off-island that are not subject to tolls, and there will obviously be changes to highway related and drive-by businesses on Mercer Island, such as motel/hotel, gas stations, convenience stores, grocery stores, banks, hair and nail salons, drive-by coffee shops, and other businesses dependent upon close proximity to I-90 and its toll-free traffic. WSDOT policy supports economic vitality as a key focus area in the 2011-17 Strategic Plan. A transportation project that sustains favorable economic investment does not trigger a need for an economic analysis. Tolling I-90 does. The opportunities to minimize or reduce impacts on the established Mercer Island business district must be studied and analyzed. WSDOT must analyze the number of businesses that will fold when they can't get employees due to the high cost of the tolls, or they have to pay for the employees' high tolls to get workers. WSDOT must estimate, study and analyze the impact of tolls on retail and other business types, in terms of tolls discouraging people from coming to the island to buy goods or services.

Attached as Exhibit A is a listing of general impacts the city of Mercer Island has identified to date, and are submitted in addition to the above.

Sincerely,

Lisa Belden  
Co-chair, No Toll on I-90



# We, the undersigned, are opposed to the tolling of I-90.

This is an example of 9 out of 5,237 signatures on the No Toll on I-90 petition. Contact information is covered for privacy.

PRINT NAME: CRAIG BOSKO  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted]  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Carrie LOSTED  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] Mercer Island  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: RON MARTIN  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] Bellevue 98006  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Kestie Farrell  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] Way, WA  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: David Tweed  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] Mercer Island  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: CARTER HARRINGTON  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] WA 98040  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: KEISA LIU  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] REDMOND WA 98052  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Joel Mundahl  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] Seattle WA 98168  
 EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Ming-Ting Sun  
 SIGNATURE: [Signature]  
 PHONE: [Redacted]  
 ADDRESS: [Redacted] S.E. Mercer Island  
 EMAIL (FOR MAILING LIST): [Redacted]

Thank you for helping to gather signatures. Please do not delay. Mail the signed petitions to:  
No Toll on I-90, PO Box 931, Mercer Island, WA 98040.

We are an L-6 organization registered with the Washington State Public Disclosure Commission and **need your donations** to fight this toll. Please make checks out to "No Toll on I-90." Together, we can win.

Also, please encourage everyone who signs to call and email their state legislators, the governor, WSDOT and their city council. Go to [www.NoTollonI90.org](http://www.NoTollonI90.org) for contact information.

NO TOLL ON I-90  
P.O. BOX 931  
MERCER ISLAND, WA 98040  
Email: [notolloni90@aol.com](mailto:notolloni90@aol.com)

November 6, 2013

Washington State Department of Transportation  
Attn: Angela Angove  
999 Third Avenue, Suite 2200  
Seattle, WA 98104

Hand-Delivered &  
by Email

RE: I-90 Tolling EIS Comments

Dear Sir or Madam:

We are hand delivering to you today approximately 4,463 petitions stating opposition to tolling on Interstate 90 ("I-90"). The petitions submitted today are **in addition to** the 5,237 inked signature petitions that were previously provided to the Washington State Transportation Department ("WSDOT") by our organization on February 22, 2013 along with our Environmental Assessment ("EA") comment letter of that date. In addition to the above, we have received additional petitions by email to our website address, and there are in addition to that, another 1,723 on-line petitions from our website opposing tolling on I-90 as of today's date.

Please include all of the petitions we have submitted as part of the record of the I-90 tolling Environmental Impact Statement ("EIS"). Some may be unintentional duplicates. We anticipate receiving more petitions throughout the EIS process.

The No Toll on I-90 on-line petition allows the signer to submit personal comments if they wish, in addition to the petition itself. Please consider and include the personal comments on the on-line petitions as part of WSDOT's EIS record as well.

Clearly, there is significant public opposition to tolling I-90. People don't like it. It is unfair. It would amount to a very high regressive new tax for using a bridge that has already been paid for once. Tolling I-90 will set up a tolling wall between east and west. As documented on page 20 of the Volpe Study: "Those who switched to I-90 were more likely to be male, lower-income, with less schedule flexibility". On

page 22, the Volpe report stated: “HHs [households] below 3x poverty level: Cross-lake trips down 38%, esp. in “discretionary” trip categories”. On page 48 of the Volpe report, it shows there were “[d]emographic differences between those who stayed with SR-520 vs. switched to I-90”. This shows tolling will create a new divide between those who can and those who cannot afford the tolled roads.

It will not reduce congestion. Tolls on I-90 will worsen congestion on I-5, I-405, SR 522 and other roads around the north and south ends of Lake Washington. This resulting increased congestion is not supposition, it is already occurring now with about a 9% increase in traffic on SR522. Accompanying the newly created congestion is increased pollution from vehicles backed up from the increased congestion. Tolling will send the region back to pre-1939 conditions. It will set up a financial tolling wall between the west and east sides of Lake Washington, fracturing families, friends, schools and teachers, parishes, churches, synagogues, businesses, industries, recreational pursuits, access to the mountains and the Sound and the Port, and impose financial and time impediments to participation in political activity, charity and volunteer work, social, cultural, entertainment, and sports opportunities. It would hurt businesses, schools, working families, individuals, poor and middle class, and would be destructive of a captive island. It would hurt commercial trucking and businesses that need to use I-90 to get products, goods, services or workers to job sites, driving up the cost of food, fuel, housing, government services, goods and services. It would harm schools and school teachers and coaches and tutors, childcare, nannies, home health workers, elder care, cleaning, janitorial and home and commercial building maintenance and repair services. That is NOT the kind of government policy people want.

And for what? To pay for an extravagant park-laden local bridge/road project that the state itself doesn't want to pay for. So instead, to pay for the amenities-laden western approach to SR520, the state proposes to have I-90 commuters supplement the funding deficit. Thus, a select population would, to the exclusion of others, be used to fund a road they do not even use. Furthermore, part of this population can use no other route than I-90 for ingress or egress from their place of residence or work.

WSDOT wants to kick the collection can down the road to I-90 to pay the extraordinary cost, and cost overruns, for SR 520, despite WSDOT's mismanagement of the project, and responsibility for designing the extravagance in the first place.

Tolling I-90 has nothing to do with ending congestion on I-90. As WSDOT states in its own EIS presentation materials, widening I-90 could reduce congestion.

WSDOT itself has created the congestion. It is creating and increasing a problem which it states now needs resolution. High tolls on SR 520 are causing increased congestion on I-90 by diversion of traffic from SR 520. WSDOT is reducing the highway capacity of the I-90 bridge by giving away the center roadway to Sound

Transit. Usually, tolls are imposed to help pay for an increase in lane capacity. On I-90, there will be decreased motor vehicle capacity, as a result of WSDOT's decision.

While WSDOT now claims it would be hugely expensive to add lane capacity to I-90 (to widen I-90), making it unfeasible. Yet it just gave away two I-90 traffic lanes and the center roadway to Sound Transit for a pittance (\$173 million).

I-90 is not congested on the weekends and outside of normal rush hours. Rush hours will always be congested, as employers all want their employees at work during typical work hours unless they operate around the clock work shifts, like Boeing or hospitals. People need to work to support themselves and their families. Charging variable tolls, with higher tolls imposed during the rush hours will not reduce congestion. People will still have to get to work on time and leave to go home. The 8 hour work day is well established. People don't make discretionary trips when they know the roads will be congested. They only drive during rush hours if they have to.

#### **ADDITIONAL SCOPING COMMENTS RE: FUNDING ALTERNATIVES**

In addition to the scoping comments already submitted in our EA comment letter of February 22, 2013, No Toll on I-90 submits the following additional comments.

According to WSDOT spokesperson Michell Mouton, the city of Seattle is not kicking in a dime for the SR 520 bridge/road project even though the entire unfunded western approach to the SR 520 floating bridge and its two new expansive lid parks, and improvements to the Arboretum and to the local boulevards are located entirely within Seattle city limits. Usually a city park levy or a local improvement district, levying a new property tax on the local city residents, is required to pay for new park acquisitions and maintenance. A new park levy on the Montlake/UW area or on the city of Seattle should be analyzed as a source of funding to pay for the two new expansive lid parks, and for the improvements to the Arboretum, and for the new bike trails and paths and tree-lined boulevards, and viewing station(s) in the Montlake/UW district, just like what any other city in this state must do if and when it desires to acquire more land for parks or to build new parks. That cost should not be foisted onto I-90 bridge users from other cities.

If King County wants the new lid parks, bike paths, gardens, viewing stations, a new county-wide park levy should be explored to help fund the new parks and bike paths.

If the state wants the SR 520 bridge/road improvements as currently designed, a state-wide tax should pay for them through an increased gas tax, which I understand is estimated at 3 cents per gallon to fund the remaining unfunded \$1.4 billion dollar western approach. Scoping should include a comparison of the impacts of a 3 cent increase in gas tax to the onerous burden of a new regressive toll tax on the I-90

bridge. Assuming a car going 12,000 miles per year on average, and getting 25 mpg on average, would result in a yearly increase in gas tax of \$15.00 (12,000 miles divided by 25 mpg = 500 gallons times \$0.03= \$15 dollars) compared to \$2,000 and upward multiples of that amount per year in new I-90 toll taxes.

If the state does not want to pay for the SR 520 bridge/road improvements as currently designed, then down-size the project and the cost. This should be part of the scoping process ----- analysis of a least cost alternative or a lower cost alternative.

WSDOT has lost the trust of much of the state citizenry and state legislators over the SR 520 and Columbia River Crossing fiascos. WSDOT's colossal mismanagement of the SR 520 "bridge" project and leaking pontoons makes it hard to even get a 3 cent increased gas tax approved. It's not just the leaking pontoon problem. It's WSDOT designing a new SR 520 bridge with the same number of General Purpose lanes that currently exist today (and are insufficient in through-put capacity), plus WSDOT throwing in 7 plus miles of new approach roads and unending intersection improvements (at the SR 520/Bellevue Way-Lake Washington Boulevard area); two expansive lid parks; viewing stations; bike paths; bike and pedestrian trails; tree-lined boulevards and expensive improvements to the Arboretum into the so-called bridge project when WSDOT claims the project was needed in order to keep the floating bridge from sinking during a 100 year storm and the western approach from falling in an earthquake.

Rather than focusing on just the wind and seismic safety issues, WSDOT designed extravagantly expensive elements into the bridge project, 7 miles of approach roads, park improvements, bike paths, viewing stations, making it so expensive that the state says it can't afford it and nobody else wants to pay for it.

**As a funding alternative to I-90 tolling, the scope of the EIS should include:**

- 1) reducing the cost of the SR 520 bridge project; and**
- 2) increasing the toll revenue potential of the SR 520 bridge.**

**REDUCE THE COST OF THE SR 520 BRIDGE BY ELIMINATING ALL NON-ESSENTIAL NON-MOTOR VEHICLE ELEMENTS**

The scope of the EIS should include analysis of ways to reduce the cost of the SR 520 bridge. Least cost design should be undertaken. Least cost design is required by state statute.

If the state cannot afford all the expensive non-essential non-motor vehicle amenities through the existing gas tax, or an acceptable increase of the gas tax, those elements should be stricken from the project unless the city of Seattle or a local improvement district or park levy on the Montlake/UW neighborhood can pay for

their cost. The EIS should study ways to reduce the cost of the SR 520 bridge to the bare essentials.

Funding alternatives of a LID for Seattle, or a parks levy should be analyzed. I-90 motorists and truckers should not have to pay for new Seattle parks, viewing stations, bike paths, tree-lined neighborhood amenities, garden improvements and unending intersection improvements on either side of SR 520 through I-90 tolls.

**INCREASE TOLL REVENUE FROM THE SR 520 BRIDGE BY TOLLING TRAFFIC BETWEEN I-5 AND THE MONTLAKE EXITS AND ON-RAMPS**

About 32,000 to 34,000 vehicles every average work day use SR 520 between I-5 and the Montlake exits and on-ramps, yet that traffic is now exempted from tolls and there is no current plan to toll that traffic after the SR 520 western approach is built. Toll revenue should be collected from the 32,000 to 34,000 vehicles that use SR 520 between I-5 and Montlake exits and on-ramps. They are actually using the unfunded segment. They will benefit from the added lane capacity on the roadway. Tolls from 34,000 vehicles would substantially increase the revenue-making capacity of SR 520, even if they were charged ½ of the full toll rate for crossing between Seattle and Medina.

**CONSIDER CONVERTING THE BIKE/PEDESTRIAN LANE INTO A 4<sup>TH</sup> MOTOR VEHICLE LANE AND TOLL THAT LANE UNTIL THE SR 520 BRIDGE DEBT IS PAID.**

There is low projected use of the proposed bike/pedestrian lane on SR 520, while it might cost \$600 million to build it. In order to increase the toll revenue from the SR 520 bridge, consider/analyze converting the planned bike/pedestrian lane into a 4<sup>th</sup> motor vehicle lane and toll vehicles using the lane until the SR 520 bridge debt is paid off. That would provide for an additional new GP lane that could be tolled to raise money to pay for the SR 520 bridge.

Or, in the alternative, toll pedestrians and bike riders for using the SR 520 bike/pedestrian path.

**THE EIS SCOPE SHOULD INCLUDE WSDOT CHARGING SOUND TRANSIT THE REPLACEMENT COST OF THE I-90 CENTER ROADWAY TO HELP FUND SR 520 AND OTHER HIGHWAY PROJECTS**

WSDOT did not charge Sound Transit a fair and equitable price for the I-90 center-roadway give-away. WSDOT should have charged Sound Transit the **replacement cost** of the center roadway lanes, including the Mt. Baker and Mercer Island tunnels, the floating and fixed bridge segments, the roadway and land right-of-way replacement cost for land in Seattle, Mercer Island, and Bellevue in the subject segment. The replacement cost of the two I-90 center roadway lanes would be **Billions of dollars**. Instead, WSDOT gave away the road lanes, the tunnels, the

floating and fixed bridge segments, the right-of-way and the highway lanes for a mere pittance --- \$173 Million --- and most of that amount was not actually paid to WSDOT, but rather was credited against the WSDOT/Sound Transit "Land Bank" (an arrangement whereby Sound Transit pays for the construction of some new HOV direct access ramps used by its buses to access area interstate highways, and Sound Transit gets a "credit" from WSDOT in exchange for the expense of building the HOV direct access ramps).

A fair replacement cost price of the I-90 center lanes would be in the area of \$2 Billion dollars or more. That amount of money could have paid for the SR 520 unfunded western approach segment, and all of its bells and whistles, and Arboretum park improvements, the viewing station, the lid parks, etc., and funded other needed road projects. Yet WSDOT gave the state asset away for a pittance! The replacement cost of the I-90 center roadway should be analyzed and considered as an alternative funding source for SR 520. It could even be used to pay of bond debt on the SR 520 bridge, allowing for toll rates on SR 520 to be lowered with the result of less diversion.

When light rail takes over private and public property to obtain right-of-way to build Link in Seattle, or Eastlink in Bellevue, Sound Transit is required by law to compensate the landowner for land condemned for light rail. That should not be any different for the subject I-90 segment.

**WSDOT has not been sufficiently inclusive of geographic areas and communities in its EIS Scoping process, leaving many out of the process.**

WSDOT has narrowly defined the I-90 corridor that residences and businesses and schools that are close to I-90 are not even considered and defined to be in the I-90 corridor. WSDOT is not including communities further east on I-90 than Exit 12 in Eastgate.

If WSDOT contends that on-ramps and exits further east than Eastgate do not contribute to traffic across Lake Washington, then WSDOT needs to either confirm or negate that contention with data, so scoping can proceed and cities and counties and communities and business and other interests and activities east of Eastgate can be assured that any actions, including tolling, will not negatively impact them. Until such time that WSDOT can establish factually the lack of impacts, impacts should be assumed and studied/analyzed fully. WSDOT should pause the scoping process until it establishes a more factually accurate impact area so that communities and businesses and interests that have not been included, are included.

Based on the addresses of No Toll on I-90 petitions that have been received as of this writing, WSDOT's plans to toll I-90 will negatively affect people, schools, businesses, freight, the economy, jobs, commerce, tourism, social, cultural, religious

and other interests and needs of people from Seattle, West Seattle, Mercer Island, Bellevue, Issaquah, Sammamish, Newcastle, Snoqualmie, North Bend, Maple Valley, Kirkland, Burien, Renton, Tukwila, Lake Stevens, Federal Way, Auburn, Algona, Kent, Duvall, Bainbridge Island, Bonney Lake, Lynnwood, Kenmore, Burbank, Covington, Redmond, Snohomish, Shoreline, Mukilteo, Woodinville, Fall City, Darrington, Bothell, Monroe, Arlington, Pilsbo Marysville, Olympia, and Puyallup.

In addition, east of the Cascades, Yakima, the Tri-Cities, Moses Lake, Sunnyside, Selah, Toppenish, Grandview, Prosser, Cle Elum, Ellensburg, Leavenworth, Wenatchee, Cashmere and the Methow Valley and the ski/hiking areas of Snoqualmie, Hyak, Easton, and the resort of Suncadia will be negatively impacted by tolls, by an increase in cost of goods, services and living as freight trucks, milk and dairy product haulers, fuel haulers, beverage distributors, food and merchandise haulers, fruit, nut, grape and agricultural and hay transporters, along with trucks hauling new/used cars, boats, tires, lumber, electronic equipment, TVs, furniture, construction equipment and materials, agricultural machinery, and private passenger vehicles, are hit and with tolls on I-90 in both directions.

The impact on tourism, college, high school and professional sports, recreational sports and youth sports organizations, sight-seeing, hunting, fishing, rafting, hiking, bike riding, wine tasting, skiing, should be part of the EIS analysis, as participants and spectators and tourists go in both directions on I-90.

**WSDOT must consider I-90 as a highway of state significance and align its actions in accordance to that significance to the region and the state.**

It bears repeating that I-90 is a highway of state significance, recognized as such under state statute. Tolling one end of I-90 or the other, or in between, impacts communities all along the I-90 corridor and north and south of it, as the interstate highway is the economic spine of Washington State. The increased cost-of-living and other impacts of tolls on imports and exports will be statewide in impact, and should be studied.

As the Volpe study concluded in regard to SR 520 user satisfaction with the Value Pricing Pilot Program (“VPPP”) tolling on that facility (variable pricing based on time of day), persons making over \$200,000 per year were happy with the result of WSDOT pricing a large percentage of the commuting public off of the SR 520 bridge so as to gain a faster commute for themselves. Persons and businesses who can not afford to pay the tolls have diverted from SR 520 in large numbers.

I-90 is an interstate highway of state significance, not a local road between Seattle and the eastside’s high tech businesses, like SR 520. I-90 serves a different traffic and population. I-90 serves a wide swath of the state population, business interests, manufacturing and commercial freight/the Port of Seattle, and people who

make far less than \$200,000 a year. People earning less than \$200,000 per year should not be punished by WSDOT extending the VPPP program to the I-90 bridge.

**WSDOT must comply with the 1976 Memorandum of Agreement that governs the configuration, access and operation of I-90 between I-5 in Seattle and I-405 in Bellevue.**

The 1976 Memorandum of Agreement (“MOA”) for I-90 is an agreement which governs the configuration, operation and access of I-90 between I-5 in Seattle and I-405 in Bellevue. The MOA requires that before any change may be made in the configuration or operation of the subject I-90 segment, there must be consultation with and concurrence by the signatories to the MOA to that change. WSDOT has not obtained the City of Mercer Island’s consent to tolling. Bellevue remains undecided. King County residents and businesses are against I-90 tolling. Tolling is a change in operation and access to I-90.

**The SR 520 bridge/road project is NOT in the same corridor as I-90.**

Before the SR 520 bridge was tolled, it was rarely used by I-90 bridge users. The study done in 2008 by the 520 Tolling Implementation Committee demonstrated that I-90 and SR 520 are not in the same travel shed or traffic corridor. *See* traffic origins map on page 24 of the Open House materials for the 520 Tolling Implementation Committee (copy attached). That study, done prior to tolling on SR 520, demonstrates SR 520 is a separate traffic corridor from I-90. Other traffic studies disprove WSDOT’s claim of SR 520 and I-90 being in the same corridor.

WSDOT, by tolling I-90, should not create a scenario which will exacerbate the increased congestion already created by SR520 tolling. Instead, as stated above, costs should be carefully examined and minimized, deleterious consequences acknowledged, analyzed and mitigated, and the extent of the entire population, business, commerce and other interests entrapped by tolling I-90 should be studied.

Sincerely,

/s/

Lisa Belden  
Co-chair, No Toll on I-90

This is an example of 9 out of 4,463 signatures on the No Toll on I-90 petition. Contact information is covered for privacy.



We, the undersigned,  
are opposed to the tolling of I-90.

PRINT NAME: Katherine Campbell SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Bailey Bridenbaugh SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Rebekah Lazantz SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Sofya Spector SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: McKenzie Thomas SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Jessica Uhlenkott SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Jennifer Featherston SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Chasty Nason SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Laura Selby SIGNATURE: [Signature] PHONE: [Redacted]  
ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

Thank you for helping to gather signatures. Please do not delay. Mail the signed petitions to:  
No Toll on I-90, PO Box 931, Mercer Island, WA 98040.

We are an L-6 organization registered with the Washington State Public Disclosure Commission and need your donations to fight this toll. Please make checks out to "No Toll on I-90." Together, we can win.

Also, please encourage everyone who signs to call and email their state legislators, the governor, WSDOT and their city council. Go to [www.NoTollonI90.org](http://www.NoTollonI90.org) for contact information.

We, the undersigned, are opposed to the tolling of I-90.

(No Toll On I-90 only uses your information for purposes directly related to the No Toll on I-90 Campaign)

PRINT NAME: Hani Tobia SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Rasha Tobia SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: Georges Farjo SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

We, the undersigned, are opposed to the tolling of I-90.

(No Toll On I-90 only uses your information for purposes directly related to the No Toll on I-90 Campaign)

PRINT NAME: Min Q Huang SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: SIGNATURE: PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: WEI CHANG CAO SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

We, the undersigned, are opposed to the tolling of I-90.

(No Toll On I-90 only uses your information for purposes directly related to the No Toll on I-90 Campaign)

PRINT NAME: PO CHAN SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: GRACE YC CHAN SIGNATURE: [Signature] PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: SIGNATURE: PHONE: [Redacted]

ADDRESS: [Redacted] EMAIL (FOR MAILING LIST): [Redacted]

This is an example of 7 out of 4,463 signatures on the No Toll on I-90 petition. Contact information is covered for privacy.



# Pipe Organ Foundation

2926 72nd Ave SE  
Mercer Island WA 98040-2623  
Telephone: (206) 236-3492  
Fax: (425) 696-0082  
e-mail: [info@pipeorganfoundation.org](mailto:info@pipeorganfoundation.org)  
<http://www.pipeorganfoundation.org>

RECEIVED

FEB 22 2013

AWV Facilities Team

February 19, 2013

TO: Washington State DOT Toll Division

Board of Directors:

President

Carl B. Dodrill

Vice President

Wesley Spore

Secretary/Treasurer

Halie Dodrill

Member at Large

Barbara Graham

Member at Large

David Locke

Member at Large

Chuck Huffington

As President of our 501(c)(3) Public Charity, and on behalf of our Board of Directors, I would like to register our great concern about the proposed tolling of I-90 between I-5 and I-405. As is true of so many of the smaller charities, our organization has very limited resources. The adverse impacts of tolling upon our charity would include at least the following:

First, most of our volunteers come to Mercer Island to do our work from their residences which are either in Seattle or on the east side. Our organization is based 100% upon volunteer labor—we have no paid employees whatsoever. If the volunteers stop coming, our organization collapses without a doubt. Putting a toll on any road coming to Mercer Island means that people would have to pay in order to volunteer. It is unclear how many volunteers would drop out under that circumstance, but it would certainly be easy for them to find another place to volunteer nearer to home where they would not have to pay in order to volunteer.

Second, of the 10 pipe organs which we maintain, only one of them is on Mercer Island. All the rest are in Seattle or on the east side. Further, these organs are routinely in poorer areas where there are a preponderance of minority and disadvantaged persons. This, of course, is why we maintain their organs as they cannot pay a standard rate due to their disadvantaged status.

Third, almost all of our supplies and organ parts come from off Mercer Island and we must frequently cross one bridge or the other in order to get them. There is no Lowe's or Home Depot on Mercer Island, and a toll on our getting off the island to get these parts would be a great burden on us. We would have to pass these costs on to the people for whom we work who themselves cannot pay for this due to their disadvantaged status.

For all of these reasons and others, we strongly urge that no toll be levied on I-90. The adverse impact upon our charity would be great.

*Carl B. Dodrill*

Carl B. Dodrill, Ph.D.  
President

*The mission of the Pipe Organ Foundation is to charitably promote the preservation, placement, and playing of pipe organs*

**From:** [Carl Dodrill](#)  
**To:** [190 EIS Comments](#)  
**Subject:** Social Effects of Tolling  
**Date:** Tuesday, November 05, 2013 8:04:19 PM

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TO: Washington State DOT

FROM: Carl Dodrill, Ph.D., President, Pipe Organ Foundation

RE: Social Effects of Proposed Tolling—Effects Upon Nonprofits

The effects of tolling upon nonprofits including charities and the faith community must be included in the EIS.

There are 197 nonprofits connected with Mercer Island (<http://greatnonprofits.org>) including a host of human service and educational charities and, of course, most houses of worship. Anyone connected with these charities and with the faith community knows that the very existence of these organizations is directly dependent upon volunteers. Based upon articles in the *MI Reporter* such as the one on October 9, 2013, it is a fair guess that at least half the volunteers for our nonprofits come from off the island. In the case of the Pipe Organ Foundation, a 501(c)(3) Public Charity, I can vouch for the fact that by actual count, a quarter of our volunteers come from the Seattle side, a quarter come from the Bellevue side, and half from Mercer Island. What I do not have specific data on are the charities which the people from Mercer Island support in Seattle and on the east side of Lake Washington, but I do not know of anyone who would disagree with the fact that far more people from Mercer Island go off the island to do charitable work than persons who come to the Island to perform similar charitable services.

The key question regarding charities is to what degree volunteers will drop out when they have to pay to come and volunteer for a charity. No one knows the answer to that question, but we do know that the Peirce et al. study (*Transportation Research Record* No. 2345, 2013, pp. 74-82) on the effects of

tolling upon SR 520 found that 47% fewer trips were made on that route once tolling was started. This is the only data point that seems to exist for dropouts due to tolling in the Seattle area. Using that data point, it may be that half of the volunteers who must pay a toll in order to volunteer will drop out. This would be a major loss for most of our charities and a truly devastating loss for some.

Regarding the faith community on Mercer Island, I have taken upon myself to contact every church and synagogue on Mercer Island to determine to what degree these houses of worship are supported by people coming from off the Island. The results of this research were astounding, and I presented them to the Mercer Island City Council on January 22, 2013. The talk I gave on that date is succinctly summarized below. The research showed that the typical congregation on Mercer Island has 45-50% of its people coming from off the island, an estimate highly similar to that for charities.

Just as with charities, there is a key question regarding the faith community and that is whether or not people will pay to go to church. A government imposing a fee on our ability to attend a house of worship of our choice impacts our freedom of religion and also our freedom of association. It is absolutely contrary to our system of American belief. Since I-90 is the ONLY WAY to get on and off Mercer Island, it is easy to argue that a toll on I-90 is in effect a church tax. If half the people stop attending a church on Mercer Island when a toll is imposed, the typical church will lose 20-25% of its parishioners AND 20-25% of its budget as well. Such a loss of budget, volunteerism, and attenders would be staggering for the typical church and devastating for some.

In conclusion, the effects of tolling upon nonprofits including charities and the faith community must be included in the EIS.

Thank you for your attention to this matter.

Carl Dodrill, Ph.D.  
President

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## LIKELY EFFECTS OF I-90 TOLLING ON THE FAITH COMMUNITY

Presented to the MI City Council on January 22, 2013

Objective and method. To assist in estimating the effects of an I-90 toll upon the faith community of Mercer Island, all churches were contacted and each was asked to provide the percentage of their congregation which live off the island. Nine congregations provided usable estimates of off-islanders and they were MI Congregational, MI Covenant, MI Presbyterian, Holy Trinity Lutheran, Redeemer Lutheran, Herzl-Ner Tamid Conservative Congregation, Emmanuel Episcopal, St. Monica Catholic Church, and First Church of Christ, Scientist.

Results showed that from 16% to 68% of MI congregations consist of off-island people. The average was 39% and the median was 40%. Notable is the fact that the two largest congregations (Herzl-Ner Tamid, St. Monica) serve approximately 2,244 families (not individuals) of which 56% (1,256 families) come from off the island. The smaller congregations have fewer off-island congregants. Considered together, the percentage of total worshippers which are off-island appears to be in the 45 to 50% range.

Implications. If 47% of the off-islanders stopped coming to houses of worship on MI with the initiation of tolling (just as the traffic on SR 520 diminished 47% when tolling started there), the congregations could decrease by an average of 20-25%. Similar budgetary losses would certainly lead to the cutting of services and to a loss of staff. Parochial schools would be hit especially hard. Further, volunteerism within the churches would decrease and the off-island charitable outreach work often done by retired and limited-income people might nearly collapse. Municipal governments do not have the resources to replace what the faith community provides.

Conclusions: The adverse effects of tolling upon the faith community of Mercer Island would be far reaching. Notably diminished attendance, services, staff, outreach, and charitable work must be expected with tolling. Sadly, church budgets are already so tight on the island that diminished funds could threaten the very existence of some of our houses of worship. Please do not support I-90 tolling.

Information compiled by Carl Dodrill (206 236-0067; [carl@dodrill.net](mailto:carl@dodrill.net)).

**From:** [Judy Neuman](#)  
**To:** [i90EAcComments](#)  
**Subject:** The impact of tolling I 90  
**Date:** Monday, February 04, 2013 9:01:50 AM  
**Importance:** High

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Hello,

I am emailing to share my concern and opposition to the proposed tolling of I-90. As the leader of a not for profit community center, open to everyone and employing 200+ people, this toll will have a significant negative impact on our organization. Over 80% of my staff lives outside of Mercer Island and this toll would in most cases preclude them from continuing their employment with our Center. There are not enough qualified Mercer Island applicants to fill the vast array of positions required to run our Center. These include but are not limited to early childhood teachers, lifeguards, fitness instructors, camp counselors, not to mention the majority of our administrative team.

Tolls would become an inhibitor to hiring a diverse workforce and would also jeopardize the continuation of membership from over 50% of our current members. An outcome like this would be morally and financially devastating to our Center. Unless there was a non-toll option when exiting at any of the Mercer Island exits, this proposed toll could very well become the demise of our Center which has been in operation since 1949 and located on Mercer Island since 1966.

I can't express strongly enough my opposition to the tolling of I-90 without an exclusion of the Mercer Island exits.

Please feel free to share my sentiments as I believe they are shared by our employees and many Mercer Island businesses and residents.

Thank you,  
Judy Neuman

Judy Neuman  
Chief Executive Officer | Stroum Jewish Community Center | 206-232-7116  
[Learn more at www.SJCC.org](http://www.SJCC.org)



Please join us for the 8th annual SJCC Circle of Friends Luncheon at the SJCC Mercer Island campus on Thursday, April 18, honoring Stroum Spirit of Inspiration Award recipient David Rind. [Register today >>](#)



WASHINGTON STATE POTATO COMMISSION  
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October 27, 2013

I-90 Tolling Project Attn: Angela Angove  
999 Third Ave., Suite 2200  
Seattle, WA 98104

RE: I-90 Tolling Project

On behalf of Washington State potato growers, we appreciate the opportunity to comment on the potential effects of tolling Interstate 90 between I-5 in Seattle and I-405 in Bellevue, across Lake Washington.

We understand why WSDOT is evaluating a toll similar to that on SR-520 to divert traffic away from the crossing, but we must express our concerns. Any toll on I-90 would add an additional cost for our farms delivering goods to the Port of Seattle and Washingtonians along the I-5 corridor.

It would be hard for our farms that need the crossing to absorb the cost and place both farmers, small to medium sized businesses, and the Port at a competitive disadvantage. While we do not oppose tolling as a funding mechanism for new investments in transportation infrastructure, we do believe they should be limited paying for specific projects.

Under this proposal, the use of tolled dollars from I-90 to fund Portage Bay and southwest bridge approach structures on SR 520 sets a bad precedent for the future of tolling in our state. We encourage WSDOT to reconsider how tolled funds are used and how those dollars are applied to the specific tolled infrastructure project with the idea of sun setting the toll once the improvement has been made.

Sincerely,

A handwritten signature in black ink, appearing to be "Angela Angove".

Assistant Executive Director  
Director of Governmental Affairs  
Washington State Potato Commission