

Attachment D

Scoping Comment Letters from Agencies and Organizations

February 22, 2013

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

RE: I-90 Tolling Environmental Assessment

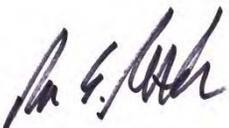
The Bellevue Chamber of Commerce serves as the Voice of Business in Bellevue, a key economic driver for the region and the state. It is fundamental to a jobs and economic center such as Bellevue to have employees, residents, and customers move easily to and from businesses, homes, and schools. Based 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:

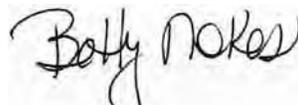
- Analysis of how tolls on I-90 will impact congestion levels and travel time on City of Bellevue arterials.
- Analysis of how tolls on I-90 will affect travel times on other corridors in the region – I-405, I-5, SR-520.
- Fiscal analysis of the potential economic impact for businesses depending on the 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

City of
Bellevue



Post Office Box 90012 • Bellevue, Washington • 98009 9012

February 19, 2013

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

RE: I-90 Tolling Environment Assessment Study

Dear Ms. Angove:

Thank you for the opportunity to provide early feedback regarding the I-90 Tolling Environmental Assessment (EA) that WSDOT is initiating this spring per state legislative direction. The City of Bellevue has enjoyed a highly collaborative working relationship with WSDOT and our regional partners over the years on numerous improvements to I-90. With the same level of commitment to improve our regional and state transportation system, we look forward to participating in this important work as it evolves this year and future implementation interfaces with several other key I-90 improvements.

The Bellevue City Council has a long history of providing proactive policy direction regarding key highway investments and improvements given the important relationship between our state and local transportation systems and our region's economic health. Attached is our Council's *2013 State Legislative Statement of Policy* adopted in December 2012 that articulates Bellevue's overall tolling policy principles and specific language about SR 520 and I-90. Among these principles, our Council continues to underscore the need to ensure that traffic diversion and associated effects on Bellevue's local street network be minimized and effectively mitigated by the state. With regard to I-90 tolling, Council has been very clear: 1) WSDOT should engage with affected communities, stakeholders and cross-lake users of both I-90 and SR 520 bridges to ensure that the legislature's direction to toll I-90 to help fund the remaining costs associated with the SR 520 bridge replacement project be done in an open and transparent manner; and, 2) a meaningful portion of the tolling revenue should be used to fund overall operation, maintenance and improvements to I-90. As the EA work moves towards completion and we gain a comprehensive understanding of the various funding scenarios, our Council will provide more specific policy direction.

Thank you for your time and consideration.

Sincerely,

David Berg, PE
Director, Transportation Department

cc: Bellevue City Councilmembers
Steve Sarkozy, Bellevue City Manager
Kim Becklund, Bellevue Transportation Policy Advisor



CITY OF BELLEVUE

2013 STATE LEGISLATIVE STATEMENT OF POLICY

GENERAL POLICY

The City of Bellevue supports State legislative efforts to encourage cost-effective State, regional and local policy planning and delivery of government services. The City supports legislation that enhances local flexibility to address issues of local concern. The City opposes legislation that mandates increased local costs or results in an inappropriate diminution of local authority over local affairs.

A. ECONOMIC DEVELOPMENT. Support legislation recognizing that the State and local governments play an important role in maintaining, expanding and diversifying local economies. Support legislation or funding that would enhance cities' ability to support job retention and growth; support workforce development; provide economic development loans and grants; finance public improvements for economic development purposes, including tax increment financing mechanisms and new State infrastructure matching programs, loans or grants; and support Brownfields cleanup activities.

B. TRANSPORTATION

1. **Bellevue's Transportation Priorities.** The City of Bellevue, as home to King County's second largest metropolitan center, requires a broad mix of transportation solutions including highway, regional bus, regional light rail, pedestrian and bicycle infrastructure, local transit and local roadway improvements to support growth.

New Transportation Revenue Package: Bellevue supports the development of a state-enacted transportation package that provides new revenues for roads and transit, including an increase in the State gas tax, dedicated gas tax funding for local distribution and focuses on the following projects that are of critical importance to Bellevue:

- Completion of projects identified in the I-405 Master Plan
 - NE 6th extension to 120th Ave NE
 - One new lane in each direction from I-90 to Renton
 - NE 12th to SE 8th restriping to accommodate an additional lane each direction
 - Completion of SB SR 520 to I-405 braided ramp at NE 10th
- Funding for a full new interchange at 124th on SR 520

2. **Transportation Funding.** The State highway and federal interstate system in East King County fails to meet the needs of the region and is threatening the quality of life and economic prosperity of those living and working in the region. The Legislature should ensure the State gas tax provides adequate revenue to address near-term transportation system funding for the State and local government transportation needs, including increasing the state gas tax and indexing the gas tax for inflation. Bellevue supports legislation that provides new local authority transportation tools and new revenue sources that provide a sustainable revenue stream to meet State and regional transportation needs.

3. **Tolling.** Bellevue supports the following principles concerning tolling of State highways (these principles are excerpted from previously-adopted Council policies and interest statements):
- a. The State should develop a region-wide phasing plan that responds to the need to provide geographic balance and regional equity in the use of tolling to improve overall highway system performance and manage regional travel demand;
 - b. Tolling should be used as both a tool for managing and improving highway operations for all users and as a revenue tool to augment project funding;
 - c. Revenue raised in the corridor should be spent in the corridor (this has been State law for the last several years, with the exception of 2012, when the Legislature passed a bill allowing future I-90 toll revenue to be used to help fund SR 520);
 - d. Traffic diversion and its associated effects on local roads should be minimized and the State should mitigate negative impacts; and,
 - e. The State should continually monitor and evaluate the impacts and performance of all tolled lanes and assess the impact on general purpose, transit and HOV travel lanes, including occupancy parameters for 2+ and 3+ HOV users and ensure that 2-person carpools either improves or holds harmless general purpose lane performance as compared with any No Build scenario.
 - f. Toll revenue should be used to optimally leverage State gas tax revenues, bonding availability and Federal partnership funding.

Corridor-Specific Guiding Principles: The City shall engage with WSDOT and refine tolling guidance over time as the region's tolling plan is implemented. The following principles should guide this engagement with regard to Bellevue's key highways—I-405, SR 520 and I-90:

- **I-405:** In addition to Bellevue's tolling principles, WSDOT should ensure that the Express Toll Lanes being planned and constructed on I-405 be consistent with the I-405 Master Plan and implemented where new capacity has been, or will be added, to accommodate the toll lanes.
- **Cross Lake Corridors - SR 520 & I-90:** In addition to Bellevue's tolling principles, WSDOT should engage with affected communities, stakeholders and cross-lake users of both bridges to ensure that the Legislature's direction to toll I-90 to help fund remaining costs associated with the SR 520 bridge replacement project be done in an open and transparent manner. A meaningful portion of the tolling revenue generated by I-90 tolls should be used to improve overall operation, maintenance and improvements (e.g., capital improvements such as targeted capacity improvements, park-and-ride lot expansion, transit service, enhancements, etc.) to I-90 through a future formal agreement with WSDOT.

C. FINANCE

1. **Local Revenue Authority.** Oppose legislation that would reduce the City's tax or license base or revenue authority, or would adversely alter or limit the distribution or application of revenue at the local level. Support legislation that provides additional financial flexibility at the discretion of the city legislative body, while recognizing the need for local government to streamline its revenue collection processes and act in a "business friendly" manner.

2. **Business and Occupation (B&O) Tax Authority.** Bellevue opposes legislation that will reduce municipal B&O taxing, administration and licensing authority or revenue. Bellevue, along with four other cities, is leading the effort to streamline administration and reporting of the local share of the B&O tax through development of a single multi-city portal for registering businesses and reporting and paying local B&O taxes. This approach would provide greater efficiency while retaining local control, flexibility and revenue capacity from this important funding source. Bellevue supports use of the Model Business and Occupation Gross Receipts Tax Ordinance with limited exceptions to allow flexibility to each city to adjust its tax structure to meet local business needs and priorities, and economic development goals.
3. **Sales Tax.** Bellevue supports continued mitigation for losses to jurisdictions that are negatively impacted from changes to sales tax sourcing, until such time as voluntary compliance of the collection and payment of State and local sales tax on interstate mail order and internet sales, or federal mandate, results in net positive revenues from the sourcing change.
4. **Telecommunications Taxes.** Bellevue opposes any reduction in the ability of municipalities to impose reasonable taxes and fees on telecommunication services.
5. **Sales Tax Limitations.** Bellevue opposes legislation to extend sales tax to new areas of local government operations, such as parks and recreations programs for youth.
6. **Utility Lien Law.** Bellevue opposes legislation that would preempt existing city authority to place liens on property or discontinue service to assure payment for utility services.
7. **City Utility Tax Authority.** Support maintenance of existing city utility tax revenues and utility authority.

D. ENERGY, ENVIRONMENT AND UTILITIES

Bellevue considers natural resources to be key community assets for current and future generations and supports legislation and funding to maintain the City's quality of life, including preserving and protecting a healthy environment and economy.

1. ENERGY

- a. **Clean Energy and Technology Sector.** Bellevue supports funding that would enhance cities' ability to attract and retain emerging clean economy businesses and jobs, including funding or favorable financing mechanisms for development of infrastructure required to accommodate them.
- b. **Renewable Energy and Energy Efficiency.** Bellevue supports incentives for the installation of renewable energy generation equipment and facilities, including solar, heat recovery and geothermal. The City also supports incentives to encourage energy efficiency, conservation and the use of advanced biofuels (e.g. biodiesel and ethanol, among others).
- c. **Public-Private Partnerships.** Bellevue supports legislation enabling public-private partnerships that increase the functionality and value of public facilities (e.g., park-and-ride facilities).

2. AIR QUALITY AND CLIMATE

- a. **Green Fleets.** Bellevue supports incentives for government fleets to transition to cleaner, more fuel-efficient vehicles, such as hybrids and plug-in electric vehicles.
- b. **Electric Vehicle Infrastructure.** Bellevue supports funding for regional, state and multistate electric vehicle (EV) infrastructure planning and implementation efforts.
- c. **Air Pollution Prevention.** Bellevue supports increased funding for local and regional air quality and pollution reduction programs, including those managed by the Puget Sound Clean Air Agency (PSCAA) and the Clean Cities Coalition. Bellevue supports legislation that would provide the option for all larger cities to be directly represented on the PSCAA Board of Directors.
- d. **Commute Trip Reduction.** Bellevue supports Commute Trip Reduction funding and policies that reduce demand on local and state roads.

3. WATER SUPPLY

Bellevue supports State policy that:

- a. Encourages cooperative efforts of local governments to undertake water supply planning, develop new water resources, and link systems together for greater efficiency.
- b. Provides tools that allow local governments and water supply agencies to equitably balance competing demands on water resources, including a balance between in-stream and out-of-stream benefits.
- c. Creates incentives to pursue and encourage cost-effective water conservation measures for all segments of water users.
- d. Eliminates the legal uncertainty created by recent Washington State Supreme Court cases regarding the appropriate mechanism or process to pay for fire hydrants, the supporting water system facilities and water for fire flow, by providing local governments and water utilities flexibility in cost recovery mechanisms.

Bellevue opposes:

- a. Changes to the municipal water law statute that would jeopardize the ability of the Cascade Water Alliance to meet its obligations to its members.

4. STORMWATER MANAGEMENT AND NPDES PERMIT

The City supports:

- a. Additional funding to help cities implement the municipal stormwater discharge permit under Phase II of the National Pollutant Discharge Elimination system (NPDES);
- b. Flexible and direct funding to cities and counties to meet NPDES requirements based on a per-capita or other formula that recognizes the burdens of the new regulations to different jurisdictions; and
- c. An alternative monitoring strategy for the next NPDES municipal stormwater permit that provides more meaningful and useful results, is less expensive, and meets multiple objectives, such as Chinook recovery or Growth Management Act directives.

The City opposes:

- a. New permit requirements that exceed what is reasonable and practicable regarding urban runoff;
- b. New permit requirements that undermine local land use authority and/or conflict with the Growth Management Act vesting rules and other local government functions;
- c. Permit-mandated watershed scale stormwater planning that undermines the local land use control and/or potentially expands City liability for the actions of other jurisdictions; and
- d. Department of Ecology rulemaking that results in unrealistic water quality standards and enforcement through Water Quality Cleanup Plans and the NPDES Permit.

5. SOLID WASTE

- a. **Preserve Local Authority.** Bellevue supports preserving existing city authority over solid waste management, especially waste stream control and recycling.
- b. **Lifecycle Product Stewardship.**

Bellevue supports:

- Improved packaging requirements to include significant recycled content and to improve the ease of recycling products at the end of their useful life;
- Programs that encourage manufacturer responsibility for developing and implementing a collection system for the reclamation and proper disposal of their products at the end of the products' useful life;
- A convenient, safe, secure and environmentally sound medicine take-back program for unwanted medicines from households through a mechanism that covers the cost of collection, transportation and Legislation for point of sale fees on hazardous waste products to support the operation of specialized collection facilities;
- Legislation to allow cities with essential public facilities within their boundaries (e.g. transfer stations) to receive reasonable fees to mitigate the related public safety and infrastructure impacts, costs, and loss of tax revenue; and
- Disposal that does not rely on local government funding.

6. OTHER ENVIRONMENTAL INITIATIVES

- a. **Salmon Recovery and Endangered Species Act (ESA) Funding.** The City supports increased funding for salmon recovery focused on watershed forums' implementation plans. Bellevue also supports legislation that streamlines permitting for ESA-related projects.
- b. **Puget Sound Partnership.** The City supports legislation that is compatible with current planning efforts and activities related to water quality, quantity and habitat, as well as consistency with community values and appropriate fiscal constraints. Bellevue opposes adoption of actions or legislation that imposes unrealistic or infeasible water quality, quantity or habitat or monitoring requirements in urban areas.

- c. **Flood Control.** Bellevue supports legislation that would require balancing public safety concerns with habitat protection when reviewing and/or issuing permits for flood control projects. The City also supports efforts to ensure there is a nexus between the expenditure of funds within a flood control zone and the contribution and benefit received by areas within the zone.
- d. **Reclaimed Water.** Bellevue supports legislation requiring a cost-benefit analysis from purveyors of reclaimed water to ensure that general rate-paying customers are not subsidizing those who will benefit directly from the reclaimed water system.
- e. **Lakeline Funding.** The City supports funding to repair and/or replace deteriorating segments of the sewer pipeline located along the shore of Lake Washington and Lake Sammamish.

E. GENERAL GOVERNMENT

1. **Insurance/Tort Reform.** Bellevue supports efforts by the State to reduce liability costs which will add a greater degree of certainty to business and government budgets and improve the economic environment. Bellevue supports legislation to amend State tort statutes to remove unreasonable municipal and private sector liabilities, specifically:
 - a. **Joint and Several Liability.** Exempt cities and towns from joint and several liability for the acts of other persons at fault;
 - b. **Cap Non-Economic Damages:** Provide caps on non-economic damages for local government entities, their officers, employees, and volunteers and for businesses and health care providers.
2. **Procurement.** Oppose efforts to mandate a specific statewide procurement code for local use.
3. **Job Order Contracting (JOC).** Bellevue supports extension of JOC legislation for public works projects to allow continued cost savings in the procurement of these projects.
4. **Protect Public Intellectual Property.** Support legislation to grant local authority to calculate and assess charges for custom electronic products developed from electronic information systems when provided to persons or organizations for other than governmental uses. Permissible charges for such data should include a reasonable amount to cover staff time to research and develop the information system.
5. **Bid Limits.** Support legislation giving cities greater flexibility with bidding procedures and increases in bid limits.
6. **Public Works.** Support legislation that clarifies, streamlines, and/or simplifies prevailing wage processes, reduces fees for processes, and/or limits increases in hourly wage rates to reflect inflationary rates. Support legislative or regulatory changes that ensure job classifications for prevailing wage purposes reflect industry practices.
7. **Telecommunications and Rights-of-Way.** Protect local authority to require franchises to manage city rights-of-way and to protect publicly-owned infrastructure. Bellevue supports current State law requiring utilities to bear the cost of relocating their facilities in public rights-of-way.

8. Disclosure of Information.

- a. Bellevue takes a customer focused approach in providing efficient and effective access to public records, and is committed to allocating resources to respond appropriately to the Public Records Act while balancing resources and customer expectations. The City recognizes that some local government agencies have been overwhelmed in their efforts to meet their obligations under the Act due to the actions of a small number of requestors. In this light, the City supports legislation that would permit injunctive relief from abusive and punitive requestors, and would allow cities to develop resource limits to prevent escalating records requests from draining budgets.
- b. Bellevue also supports providing exemptions to the public disclosure act that would protect personal information of clients participating in City-sponsored activities, such as parks and recreation programs, and confidential or proprietary information supplied by persons or entities doing business with governments.

- 9. Eminent Domain Authority.** Bellevue will monitor proposals to change eminent domain authority to ensure that the ability of local governments to use eminent domain in appropriate situations is not diminished and to ensure that the costs and administrative burden for using eminent domain authority are not unreasonably increased.

F. GROWTH MANAGEMENT, LAND USE AND PLANNING

- 1. Growth Management.** Support legislation providing incentives to focus future growth in cities and urban centers. Support legislation to enable local governments to address growth management issues through balanced regional policy planning and local program implementation as envisioned by the policy coordination and consistency requirements of the State Growth Management Act (GMA). Oppose legislation that would exempt essential public facilities from compliance with SEPA and oppose legislation that would decrease the City's ability to regulate and influence the siting of essential public facilities.
- 2. Transit-Oriented Development (TOD).** Support legislation that provides cities with additional support, incentives and authority to encourage compact growth around transit stations and areas served by high frequency transit, such as the option of SEPA exemptions or additional authority regarding concurrency. Oppose any form of mandatory TOD legislation imposed on cities that would limit local government zoning authority. Monitor legislation and proposals regarding "value capture financing" in areas currently identified or zoned for TOD-type development.
- 3. Concurrency.** Bellevue supports the premise of GMA concurrency, and further supports ensuring that cities have clear authority to implement concurrency in a manner best suited to meet city-wide growth management goals. The City opposes any changes that would undermine local land use authority.
- 4. Regulatory and Permitting Reform.** The City supports defining, coordinating, simplifying and streamlining land use decisions and permitting under the GMA as well as under SEPA and the Shorelines Management Act, balancing benefits of statewide uniformity with the need for local communities to govern themselves. The City opposes legislation that would diminish the City's authority over permitting and fees.
- 5. Shoreline Management.** The Legislature should provide full funding to implement and update shoreline management requirements.

6. **Property Rights.** Support a balanced approach to property rights, which recognizes the community benefits from land use and zoning authority and which recognizes the limits of municipal financial resources while respecting the rights of property owners to be free from unreasonable intrusion into the use and development of property.
7. **State Building Codes.** Oppose legislation that would impose significant new administrative burdens on local government.

G. PUBLIC SAFETY AND THE COURTS

1. **Juvenile Justice and Services.** Support legislation maintaining strong sanctions for chronic, misdemeanor behavior for juvenile offenders and permit greater judicial discretion to impose detention. State policy should recognize legitimate city land use and other regulatory concerns related to juvenile justice issues, including but not limited to, facilities siting and operation issues. Support continued and enhanced state funding of juvenile justice systems, including local government programs for providing alternatives to incarceration, programs to keep youth off drugs, and the provision of drug treatment.
2. **Gun Legislation.** Support appropriate gun licensing legislation, as well as:
 - a. Enhanced penalties for persons using or possessing guns in the commission of a crime;
 - b. Legislation making any felony conviction and juvenile adjudications reasons for disqualifying applicants from firearm possession permits and linking the possibility of restoration of possession rights to the seriousness of the underlying felony offense/juvenile adjudication;
 - c. The ability of local governments to restrict or prohibit the possession of firearms in schools, city parks and other city facilities regardless of gun permits; and
 - d. Legislation allowing for the forfeiture of guns in the possession of a suicidal person.
3. **Hate Crimes.** Support legislation that provides civil equality, fairness and tolerance of differences consistent with the State and federal constitutions.
4. **Vehicle Prowling.** Support legislation redefining vehicle prowling in the first degree as prowling of all types of vehicles rather than simply certain vehicles in order to make penalties in this area more consistent.
5. **Fire Safety Standards.** Oppose State regulation of fire response times and staffing standards.
6. **Provide Adequate Funding for Police Training Academy.** Support adequate State funding for the Basic Law Enforcement Academy to ensure local agencies are able to meet their police training needs within a reasonable time.
7. **Medical Marijuana/Legalization of Adult Marijuana Use.** City staff is evaluating this issue and will propose a position once more is known about the potential impact of the ballot initiative regarding adult recreational marijuana use, the federal response, and subsequent to a discussion by the Council of the primary policy questions about the appropriate role for local zoning authorities. At a minimum, the City will monitor and advocate for Bellevue's interests as appropriate.

H. PARKS, OPEN SPACE, AND ENVIRONMENT

1. **Parks and Open Space.** Support legislation to secure long-term State funding for maintenance of existing parks, as well as acquisition/development of open space and active and passive parks consistent with local and county-wide planning policies.
2. **Forest Practices Permits.** Support legislation requiring that all forest practices permits issued for properties within city limits or within urban growth boundaries be subject to local government review processes.
3. **Park Usage Liability.** Support existing protections for local government from liability in park facilities.

I. PERSONNEL AND LABOR RELATIONS

1. **Interest Arbitration.** Oppose expansion of compulsory interest arbitration. Bellevue supports legislation to:
 - a. Revise the factors considered in binding interest arbitration for police and fire to include the city's ability to pay, economic conditions, other city priorities, qualifications of arbiters, local labor market conditions and internal equity with other city employees;
 - b. Make wage comparability requirements consistent between police and fire to eliminate West Coast comparisons when sufficient in-state comparables exist; and
 - c. Use 90 percent of the Consumer Price Index as appropriate cost of living measure in determining wage increases.
2. **Workers Compensation.** To address rising workers compensation costs, the City supports a comprehensive evaluation of the workers compensation system to provide greater certainty, fairness and accountability for both employers and employees. The City opposes legislation that would limit the ability of cities and towns to self-fund workers' compensation programs. The City opposes the expansion of occupational disease presumptions for firefighters.
3. **Disclosure of Labor Negotiations Materials.** Support legislation that would exempt from public disclosure requirements materials and information gathered and prepared in anticipation of labor negotiations, disclosure of which would reveal the municipality's collective bargaining strategy in current or future negotiations.
4. **LEOFF II Right to Sue.** The City supports legislation to amend State law to clarify that LEOFF II members may not sue their city employers for on-the-job injuries, but may sue only for intentional acts.
5. **Retiree Benefits for Firemen's Pension Fund Member's Surviving Spouses.** Bellevue and other cities support closing the loophole in the recent amendment to the Firemen's Pension Action to prevent deathbed election of benefits that would be costly to the City.
6. **Control Pension Costs.** Bellevue urges the Legislature to consider and limit fiscal impacts to local governments if legislation is considered that will change employer contribution rates, or provide enhanced benefits in the LEOFF, PERS, and PSERS systems. Bellevue also supports the State providing financial assistance to cities to help pay for LEOFF 1 liabilities.

7. **Manage LEOFF 1 Retiree Medical Costs.** Bellevue supports the State providing financial assistance to cities to help pay for LEOFF 1 medical costs.

J. HEALTH AND HUMAN SERVICES

1. **State Support for Social Service Programs.** Major cuts to social service programs at the State level could result in shifting the responsibility and costs for providing such services to local governments. The City supports:
 - a. Continued state funding for public health and human services and opposes legislation that would result in shifting the costs of providing such services, including mental and dental health, to local governments. The City supports the County as the appropriate regional provider of public health care services, while recognizing the unique issues of urban health departments may require supplemental State funding. Oppose legislation that would require increasing City financial contributions to County public health systems.
 - b. State funding of effective mental health and substance abuse treatment and prevention programs
 - c. Maintain State funding for job training, ESL training, and child care for those making the transition from welfare to work and those who become unemployed during the recession.
2. **Adult Family Homes.** Monitor legislation regarding the siting and operation of adult family homes.
3. **Eastside Human Service Forum Priorities:** Bellevue is a member of the Eastside Human Services Forum and supports the following priorities:
 - a. Protect Home Visiting funding and protect current investments in the Early Childhood Education and Assistance Program (ECEAP), the Working connections Child Care Program, and WAKids, the new State kindergarten assessment.
 - b. Protect Washington's current long-term care infrastructure and maintain the investment in services that enable older adults and people with disabilities to remain in their homes and in the community, such as the Community Alternative Program waiver and programs and services funded by the Senior Citizens Services Act and family caregiver programs. Protect vulnerable older adults and people with disabilities through programs such as the State Long Term Care Ombudsman, Office of Public Guardianship, and through continued oversight of Adult Family Homes.
 - c. Protect funding to the Housing Trust Fund, the Housing and Essential Needs Program (which replaced the Disability Lifeline), and extend foster care for all youth until age 21.
 - d. Protect funding for the Washington Information Network (WIN 2-1-1) and protect programs that provide basic needs to all residents, such as food and health care, including mental health, substance abuse and medical interpretation.

Issues to Monitor: funding for Naturalization Services; adequate, sustainable funding for community health and human services; funding for the Federal Supplemental Nutrition Assistance Program (SNAP); efforts pertaining to implementation of the Affordable Care Act; and linkages to housing for individuals at risk for homelessness upon leaving state mental health, foster care, correctional and juvenile rehabilitation systems.

K. EARLY CHILDHOOD, SCHOOL-AGED CHILDREN/YOUTH AND EDUCATION PROGRAMS The City supports strong state programs for children and families, including early childhood education, school readiness, after-school programs, access to quality child care, drop-out prevention, family support, prevention of child abuse, special education and local government partnerships with school districts.

L. HOUSING AND HOMELESSNESS

- 1. State Housing Funding/Strategies.** Support a permanent source of funding for the State Housing Trust Fund to support the State's and County's goals to end homelessness in accord with the Ten-Year Plan to End Homelessness. Support State funding for rental assistance and services for homeless people and those at risk of homelessness. Support strategies that create incentives for the creation of more low-income, senior and workforce housing.
- 2. Group Care Facilities.** In concert with related changes in federal law, support changes in State law that will preserve local municipal authority to shape our communities while considering and balancing the needs of everyone. In particular, support changes to ensure that the State Department of Social and Health Services and other State agencies are responsive to local safety and neighborhood concerns in siting and overseeing group care facilities.



February 19, 2013

RECEIVED

FEB 22 2013

AWV Facilities Team

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

RE: I-90 Tolling Environmental Assessment

Dear Ms. Angove:

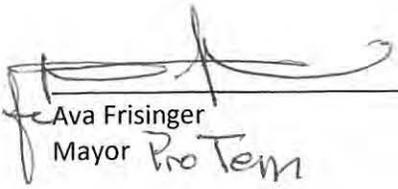
We are hereby submitting comments on behalf of the City of Issaquah regarding the I-90 Tolling Environmental Assessment. While the City will not take an official position on whether to toll or not to toll until the Environmental Assessment is completed, the City does have a perspective related to tolling I-90. These positions are as follows:

- The State should use a portion of revenues generated from I-90 tolls for the improvement of the I-90 corridor. As the toll is a user fee, the users of the I-90 corridor should benefit from the collection of the fee.
- A portion of the toll revenues should go to mass transit in order to alleviate traffic congestion on the I-90 corridor.
- There should be equity for all users of the I-90 corridor. There should not be populations that are exempted from tolling, thereby receiving public benefit at no cost to them.
- The City is in **opposition** to the tolling of off-ramps and on-ramps in the City of Issaquah, specifically exit 13, exit 15, exit 17, and exit 18. It would be inequitable to toll these ramps unless every ingress or egress from an Interstate was tolled across the State.
- We request that when the WSDOT holds public scoping meetings in the future, that said scoping meetings are also held in the City of Issaquah. The City is happy to work with you to provide a venue for those meetings.

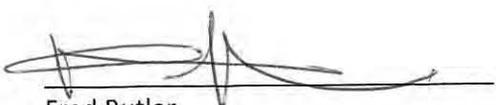
In addition, we are providing an excerpt of the public comments received from the Public Hearing that was held before the Issaquah City Council on February 19, 2013, which is attached hereto as Exhibit A, and written comments received prior to the Public Hearing, attached hereto as Exhibit B.

We appreciate being a cooperating agency in this study and participating further in the analysis. We also hope to be a partner in engaging our citizenry to attend scoping meetings and provide input to the analysis.

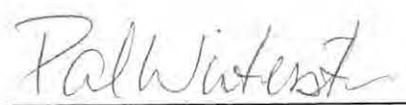
Thank you for consideration of our comments.



Ava Frisinger
Mayor Pro Tem



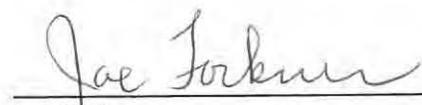
Fred Butler
Council President



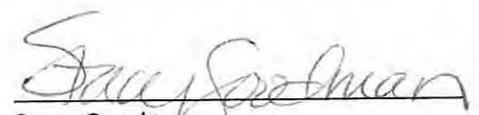
Paul Winterstein
Deputy Council President



Eileen Barber
City Council



Joe Forkner
City Council



Stacy Goodman
City Council



Tola Marts
City Council



Joshua Schaer
City Council

Exhibit A

I, Deanne Jacobson, do hereby certify that the comments below are a true and correct excerpt of the testimony provided during the Public Hearing held on Tuesday, February 19, 2013, before the Issaquah City Council.

WITNESS my hand this 20th day of February, 2013.

The public hearing was opened at 8:03 PM.

1. Lorraine Larsen, Jasmine Pl. NW, spoke against the proposed tolling on I-90. She noted that the State needs to consider the financial impacts that the tolls will have on the average worker. In addition, she addressed concern about the proposed gas tax increase, noting that if the gas tax were approved, Washington State would be tied with New York State for having the highest gas tax rate.
2. Mike Beard, 995 NW Inneswood Pl., noted he is strongly against the proposed tolling on I-90. He noted that after he read the proposed letter to Washington State Department of Transportation (WSDOT), he didn't feel the City's letter represents the citizens and businesses of Issaquah. He noted that the City wasn't taking a strong enough position against the proposed tolling. He noted that tolls would be bad for business and for the financial health of local workers and citizens. He also suggested that the proposed I-90 tolling may be for the purposes of paying for the 520 toll bridge.
3. Kristy Tripple, 1595 NW Gilman Blvd., Suite 1, spoke on behalf of Rowley Properties. She indicated that tolling on I-90 would directly impact all citizens and workers in Issaquah. She asked that the City provide the following information for WSDOT's consideration while they conduct the Environmental Impact Statement:
 - Limit tolling of I-90 to the bridge.
 - Treat 520 and I-90 bridges as part of an overall system.
 - Address in the final EIS impact study the equity for all users of the I-90 corridor.
 - Exclude tolling of off-ramps and on-ramps in the City of Issaquah and along the I-90 corridor. It would be inappropriate to toll this corridor and ramps unless every ingress or egress from an Interstate was tolled across the State.
4. Bill Ramos, 385 SE Andrews St., addressed concern about the impact tolling will have on citizens in combination with proposed cuts to bus routes, in particular, Route 214. He noted his support of specific language the City is proposing in its letter to WSDOT relating to the "equitableness to all users of the I-90 corridor."

5. Connie Marsh, 1175 NW Gilman Blvd., Suite B-11, indicated that tolling I-90 would have severe impacts on her store and other businesses. She suggested that people would not drive from other areas to shop in Issaquah if they had to pay a toll. She discussed that bus service/routes would need to increase everywhere to minimize impacts. She noted that a toll bridge would divide the East and West sides.

The Public hearing was closed at 8:15 PM.

(Note: Written comments were received from Matthew Bott, Chief Executive Officer of the Greater Issaquah Chamber of Commerce, and included in the record as Exhibit B.)

Deanne Jacobson

From: Matt Bott <mbott@issaquahchamber.com>
Sent: Tuesday, February 19, 2013 3:40 PM
To: City Council; Ava Frisinger
Cc: Autumn Monahan; Bob Harrison
Subject: I-90 Tolling-Comments for Public Hearing

Dear Mayor Frisinger and Members of the Issaquah City Council,

On behalf of the Greater Issaquah Chamber of Commerce, I am writing to you in regards to the public hearing scheduled for tonight, February 19th, 2013, on the topic of the I-90 Tolling Study and the City's response thereof. I would ask that this email be included as a part of the public record for this citizen outreach.

Adequate transportation infrastructure for local mobility are crucial aspects to maintaining and enhancing Issaquah's economic vitality, business viability/visibility and quality of life. Therefore, the Greater Issaquah Chamber of Commerce fully supports the City's engagement on this issue and urges your continued advocacy for our community's best interests as it relates to the issue of I-90 tolling.

In the Chamber's 2013 Board-approved transportation agenda, developed in collaboration with ten other regional chambers, we specifically mention that "revenues from tolling should be collected and spent on projects for the benefit of those who pay them" thus concurring with the City's proposed language on the topic of preserving toll revenue for the benefit of those paying the tolls. Further, we concur with the City's opposition to the tolling of off-ramps and on-ramps in the City of Issaquah, specifically exit 13, exit 15, exit 17, and exit 18 given the impact to business and our community. It would be inequitable to toll these ramps unless every ingress or egress from an Interstate was tolled across the State. We also join you in requesting that future outreach by WSDOT include a public meeting in Issaquah as these proposed transportation changes will undoubtedly have a profound effect on our community and our local economy.

The Chamber stands with City leaders and countless businesses and individual in our deep concern for this matter. Thank you for the opportunity to share our thoughts and for your continued diligence in monitoring this issue. If there is anything that the Chamber can do to support you in this effort, please do not hesitate to let us know.

Regards,

Matthew B. Bott, MBA
Chief Executive Officer



Helping Local Businesses Succeed By:

- Strengthening the Local Economy
- Promoting Our Community
- Providing Networking Opportunities
- Representing Business to Government

155 NW Gilman Issaquah, WA 98027 mbott@issaquahchamber.com

Phone: (425)-392-7024 Fax: (425)-392-8101

www.issaquahchamber.com [Visit the Chamber on Facebook](#)



City Of Kenmore, Washington

February 22, 2013

John White, Director of Tolled Corridors Development
401 2nd Avenue S, Suite 300
Seattle, WA 98104

RE: I-90 Tolling Project Scoping Comments

Dear Mr. White:

Thank you for your January 31, 2013 letter inviting the City of Kenmore to be a Participating Agency in the environmental process for the I-90 Tolling Project environmental review. I have contacted Angela Angove and she has verified we are considered a Participating Agency.

While the City of Kenmore has already provided you with a copy of our adopted Resolution No. 13-212 regarding our I-90 Project concerns, I have attached it to this letter to ensure it is part of the Scoping record.

As you know, Kenmore is located on the northern shores of Lake Washington and SR 522 goes through our downtown. Our downtown is bordered on the south by Lake Washington and Sammamish River. There is one public Sammamish River crossing in Kenmore on 68th Avenue NE (about one block south of SR 522). SR 522 in Kenmore carries over 50,000 cars per day and 68th Avenue NE over the Sammamish River carries 24,000 cars per day. The population of Kenmore is approximately 21,000.

SR 520 Tolling Impacts

Traffic has increased on SR 522 post tolling of SR 520. The numbers we have seen range from 9-13%. WSDOT does not believe the am/pm peak to be significantly impacted for travelers along the larger Monroe/Woodinville to Seattle SR 522 corridor. This conclusion is an oversimplification of how increased traffic of this magnitude impacts our City. Impacts to Kenmore's residents are real and include increased noise, air pollution, traffic congestion (not just on SR 522 but also on our north-south and east-west local roads), utilization of transit and parking in our neighborhoods. Concurrent with the tolling beginning, the aging West Sammamish River Bridge is now showing increased cracking and tilting where the bridge had been stable since the 1990s.

The City of Kenmore has received no mitigation funding for the tolling of the SR 520 Bridge, yet we have sustained real impacts that affect our residents and businesses.

18120 68th Ave NE · PO Box 82607 · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov
www.kenmorewa.gov

I-90 Tolling Project

The City of Kenmore is concerned about cumulative impacts to our City from regional tolling. We believe it short sighted to continue isolating SR 520 and I-90 as the cross lake corridors when there are four corridors that serve the communities surrounding Lake Washington: SR 522, SR 520, I-90 and I-405. Based on WSDOT's own data, it is clear SR 522 is now utilized by former SR 520 vehicles.

We believe it is unacceptable to use "post SR 520 tolling" traffic levels as the environmental process "baseline" condition for I-90 Tolling Project NEPA review. As part of the justification for tolling I-90 is to raise funds for SR 520 bridge construction (as is tolling of SR 520), WSDOT tolling activity in the region must cumulatively be reviewed. We are also concerned about future tolling projects (Hot Lanes) on I-5 and I-405 and their cumulative impacts to the City of Kenmore. We would like to see all tolling reviewed as part of the I-90 Tolling Project.

We request that all NEPA discipline reports specifically investigate impacts to Kenmore residents and traffic circulation within Kenmore. We specifically request that the following concerns be investigated for Kenmore as part of the environmental review for the I-90 Tolling Project:

- Include the following portions of the City of Kenmore within the Area of Potential Effect (APE) as increased traffic has been experienced and more is anticipated with I-90 tolling: SR 522, 68th Avenue NE, Juanita Drive, NE 170th Street/Simonds Road, and NE 181st Street.
- Impacts to transit ridership (METRO and Sound Transit) and the need for additional parking area and structures.
- Impacts to SR 522 operation. What modifications has WSDOT made to the signals along SR 522 since tolling began? Has any "green time" been taken from north-south movements within the City? Traffic has increased on NE 170th Street/Simonds Road as well as 68th Avenue/Juanita Drive. Traffic backs up northbound and southbound to SR 522 along 68th Ave NE/Juanita worse than before.
- Experienced and expected changes to truck traffic volumes/tonnage along SR 522, NE 170th/Simonds Road, 68th Avenue NE/Juanita Drive has increased and may be a cause in the relatively sudden instability of the West Sammamish Bridge on 68th Avenue NE.
- Evaluate diversion of SR 522 traffic to parallel streets. Specifically NE 181st Street and NE 175th Street.
- How are pedestrians impacted by increased volumes of SR 522?
- How is the community impacted by increased traffic from a noise, air pollution, and stormwater perspective?
- With heavier congestion and volumes, business access is more difficult and our businesses are impacted.

Thank you for the opportunity to provide input into the scoping process. Kenmore residents have sacrificed since incorporation in 1998 to put over \$10 million of our own money (almost \$500 per resident) into SR 522 improvements that benefit the region. We request mitigation for

the impacts from SR 520 tolling and a Kenmore-specific review of impacts and mitigation for the proposed I-90 Tolling Project.

Kenmore's mitigation needs benefit the region. These needs include, but are not limited to: additional transit parking, increased capacity of the south leg of SR 522/68th Avenue NE, replacement/rehab of the West Sammamish River Bridge, SR 522 West B Construction, adaptive signal technology for SR 522 signals including those in close proximity (NE 181st Street, NE 175th Street, and NE 170th Street) to improve community circulation.

We also request that WSDOT provide financial resources to pay Kenmore to secure assistance for technical review of project environmental documents. As a small agency, staff of 28, we do not have the internal ability to do so without financial help.

In conclusion, we would like to stress that we are pleased to be part of the I-90 Tolling Project review. I look forward to working with your team as it moves through the process. We strongly encourage WSDOT to include SR 522 and I-405 in its view of corridors that serve the east-west Puget Sound communities. We also strongly urge WSDOT to review all tolling with the potential to impact the SR 522 corridor at the same time instead of piecemeal.

Please don't hesitate to contact me for additional information. I can be reached at (425) 984-6150.

Sincerely,



Kristen M. Overleese, PE
Director of Engineering and Environmental Services

Encl.

cc: Kenmore City Council
Rob Karlinsey, City Manager

**CITY OF KENMORE
WASHINGTON**

RESOLUTION NO. 13-212

**A RESOLUTION OF THE CITY COUNCIL OF
KENMORE, WASHINGTON, REQUESTING
MITIGATION RESOURCES FROM THE STATE
OF WASHINGTON TO ADDRESS IMPACTS
FROM REGIONAL TOLLING**

WHEREAS, there are four east-west corridors connecting the communities surrounding Lake Washington: SR 522, SR 520, I-90 and I-405;

WHEREAS, the Washington State Department of Transportation has applied tolling to SR 520 and, as a result, the City of Kenmore has experienced increased volumes of traffic on SR 522, the Sammamish River Bridge, and local streets;

WHEREAS, the City of Kenmore has received no mitigation funding as a result of SR 520 tolling impacts;

WHEREAS, the City of Kenmore believes increased traffic resulting from SR 520 tolling has negatively impacted the City with noise pollution, air pollution, increased traffic volumes, increased parking in neighborhoods as a result of increased transit ridership, and increased congestion on north/south and east/west corridors within the City;

WHEREAS, the City of Kenmore believes that tolling of I-90 will result in additional traffic on SR 522 and Kenmore's local streets which will negatively impact traffic flow, public safety, and the quality of life for Kenmore residents;

WHEREAS, the City of Kenmore is concerned that cumulative impacts of Washington State Department of Transportation activity, including tolling, on other Lake Washington east/west corridors will not be evaluated for Kenmore specifically;

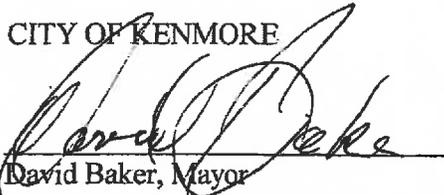
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Washington State Department of Transportation must review the impacts specific to the City of Kenmore that would result from the cumulative impacts of regional tolling: traffic impacts (City-wide, not just east/west along SR 522), air pollution, noise pollution, transit impacts, parking impacts, etc.

Section 2. The City expects mitigation resources from the State of Washington to address impacts from regional tolling. Mitigation measures are likely to include transportation capacity improvements as well as repairs, replacements, and retrofitting of affected transportation structures and systems.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A
REGULAR MEETING THEREOF THIS 28th DAY OF JANUARY, 2013.

CITY OF KENMORE



David Baker, Mayor

ATTEST/AUTHENTICATED:



Patty Safran, City Clerk

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 1402.¹ 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

¹ 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.² 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

² 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 system³ 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.⁴ 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.⁵

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,⁶ that tolling would increase Vehicle Miles Traveled, Vehicle Hours Traveled, and Vehicle Hours of Delay within the region,⁷ and that the “diverted traffic and increased congestion would have the

³ 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).

⁴ 76 Fed. Reg. 8808, 8808 (Feb. 15, 2011).

⁵ 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.

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

⁷ 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.”⁸

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,⁹ 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.¹⁰ 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-90.¹¹ 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.¹² 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

⁸ Alaskan Way DSEIS at 223; Alaskan Way FEIS, Appendix IV, at 33-41.

⁹ 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).

¹⁰ 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.

¹¹ 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.

¹² 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.¹³

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.”¹⁴ 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.

¹³ 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”).

¹⁴ 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."¹⁵ 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.¹⁶ Chapter 47.56 RCW already authorizes WSDOT to impose tolls on portions of I-5 and I-405,¹⁷ 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.¹⁸ 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

¹⁵ Transportation 2040 at 47 (emphasis added).

¹⁶ *Id.* at 44 (Figure 23).

¹⁷ 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).

¹⁸ 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.”¹⁹ 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.²⁰

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.”²¹ 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

¹⁹ 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)”).

²⁰ 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.”).

²¹ 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,²² 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

²² 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.²³ 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

²³ 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.²⁴ 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.”

²⁴ 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-405.²⁵ 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 Statement²⁶ 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

²⁵ WSDOT Scoping Notice (Jan. 24, 2013).

²⁶ 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.²⁷ To address potential transportation impacts to the Edmonds ferry, WSDOT suggested that the Corps should analyze the reasonable alternative of relocating the ferry terminal.²⁸ 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).²⁹ 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.).³⁰ Another alternative could be imposition of a gas tax, as recently proposed in the Washington House of Representatives.³¹ 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.³² For the near-term “high-occupancy toll lanes and individual facility toll financing” contemplated in the

²⁷ See WSDOT Letter (Jan. 11, 2013).

²⁸ *Id.*

²⁹ Transportation 2040 at i.

³⁰ *Id.* at 45.

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

³² 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.”³³

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.³⁴ 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)

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

³⁴ 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.

- 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.

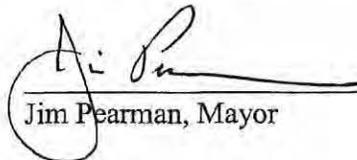
SECTION 2.

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 6th DAY OF OCTOBER, 2008.



Jim Pearman, Mayor

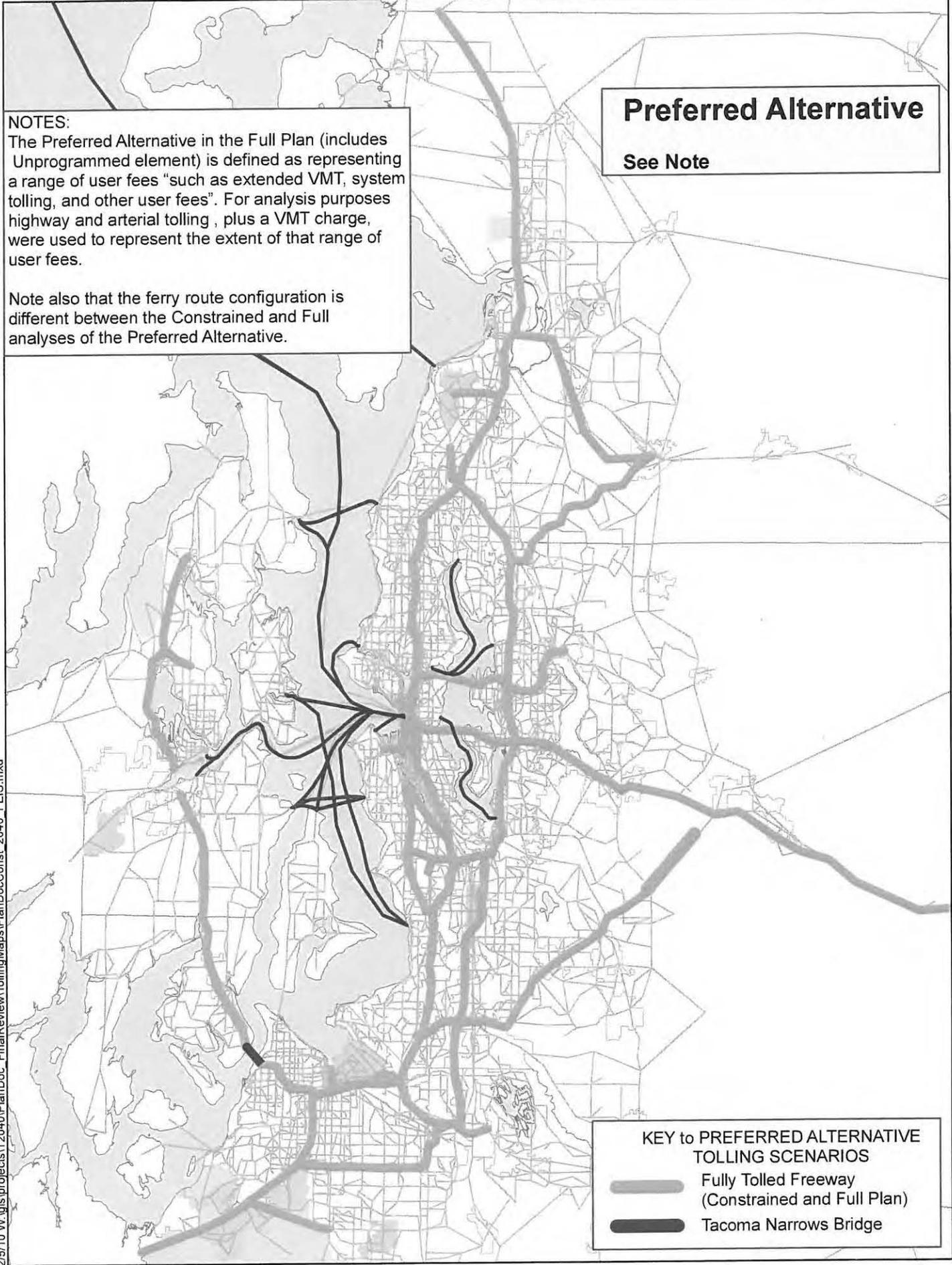
ATTEST:



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 Tolloed Freeway (Constrained and Full Plan)
- Tacoma Narrows Bridge



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

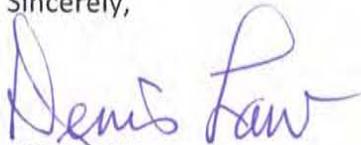
Page 2 of 2

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
Mail | P.O. Box 34996 | Seattle, WA 98124-4996
Phone | 206.684.4652

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

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

425-369-9120

1121 228th Ave SE, Sammamish WA 98075

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



King County

Department of Transportation

Harold S. Taniguchi, *Director*
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206.684.1481 TTY Relay: 711
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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

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

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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 and title.

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

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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

NO TOLL ON I-90
P.O. BOX 931
MERCER ISLAND, WA 98040
Email: 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, Cashmire 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 LORSTED 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: Leslie Farrell SIGNATURE: [Signature] PHONE: [Redacted]
 ADDRESS: [Redacted] Way, WA EMAIL (FOR MAILING LIST): [Redacted]

PRINT NAME: David J Weed 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 for contact information.



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
<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



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 6th 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 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



February 21, 2013

Ms. Angela Angove, Project Environmental Manager
WSDOT, I-90 Tolling Project
999 3rd 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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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.

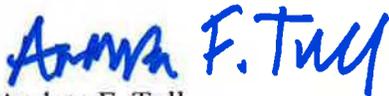
Construction of the East Link Extension will be initiated in 2015 in Bellevue and will include the closure of the South Bellevue park-and-ride for construction of a 1,400 stall garage and transit center. I-90 center roadway construction, including the D2 Roadway, will begin in 2016. Potential locations 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



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31 January 2013

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Web Site
www.fmsib.wa.gov

Mr. Craig Stone
WSDOT Toll Division, Director
Mail Stop TB-85
Seattle, WA 98104

Dear Mr. Stone:

The Freight Mobility Strategic Investment Board has been following with interest the WSDOT proposal to toll I-90. At our January 25, 2013 meeting, the Board raised some concerns and would like to provide the following input:

According to your documents, "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."

We are concerned that the purpose lacks relevance to freight moving from the Port of Seattle and other freight intermodal terminals to and from Eastern Washington and beyond. I-90 is a major freight corridor with the link from I-405 to I-5 comprising a small segment in the movement of imports and exports. Trucks are approximately 10 percent or less of the overall traffic on our interstates and generally operate at different peak hours than passenger vehicles.

Washington's manufactured and agricultural exports including hay, fruit, grain and produce would all be asked to pay for improvements to a bridge that freight wouldn't use. Congestion impacts to freight on I-90 from Seattle to Bellevue would only potentially alleviate a small segment of the congestion experienced on I-90.

- ❖ Can the proposed EA study topics be expanded to include the impact on intrastate & interstate freight movement, especially export freight between the Port of Seattle and Eastern Washington?

Craig Stone
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31 January 2013

- ❖ Shippers look at overall costs of moving cargo. What impact would tolls have on moving a significant number of containers and truck load cargo on the utilization of Washington ports like the Port of Seattle?
- ❖ As a discretionary port, will tolls on freight divert traffic to another port either within Washington State or to an out-of-state port competitor?
- ❖ What are the congestion benefits to freight that would travel well past the Bellevue area?
- ❖ If the I-90 tolling project is determined to adversely impact intra and/or interstate freight, shippers/haulers, will tolling revenue be allocated for freight mitigation/improvements?

Thank you for considering our concerns.

Cordially,



Karen Schmidt
Executive Director

cc: Freight Mobility Strategic Investment Board
Tay Yoshitani, Port of Seattle
Larry Pursley, Washington Trucking Association
Eric Johnson, Washington Public Ports Association
Mike Moore, Pacific Merchant Shipping Association

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

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 >>](#)