BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 99	)	
S. ATLANTIC STREET TO COMSTOCK STREET	)	
i.e.	)	
SOUTH ATLANTIC STREET TO SOUTH KING STREET	)	**LIMITED ACCESS**
And SOUTH KING STREET TO THOMAS STREET	)	**FINDINGS AND ORDER**
And THOMAS STREET TO COMSTOCK STREET	)	
MP 30.32 TO 32.69	)	
LIMITED ACCESS HEARING	)	

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 6:04 PM, Tuesday, December 14, 2010 at the Seattle Central Library, 1000 Fourth Avenue, Wright/ Ketcham Room, Seattle, Washington, before Administrative Law Judge (ALJ) Robert Krabill, Hearing Examiner of the Office of Administrative Hearings .

The interested persons and organizations were represented as follows:

Media

The Seattle Times, PO Box 70, Seattle, WA 98111

List of Legislators

The team worked with WSDOT headquarters to notify the following state and elected officials:

Sen. Lisa Brown
Sen. Mike Hewitt
Rep. Frank Chopp
Rep. Richard DeBolt
Rep. Scott White
Rep. Klippert Brad
Rep. Alex Wood
Rep. Brendan Williams
Rep. Christine Rolfes
Rep. Dan Kristiansen
Rep. Dan Roach
Rep. Dave Upthegrove
Rep Dean Takko
Rep. Deb Wallace
Rep. Deborah Eddy
Rep. Dennis Flannigan
Rep. Doug Ericksen
Rep. Fred Finn
Rep. Geoff Simpson
Rep. Jaime Herrera
Rep. Jay Rodne
Rep. Jeff Morris
Rep. Jim Moeller
Rep. John Driscoll
Rep. Judy Clibborn
Rep. Larry Springer
Rep. Marko Liias
Rep. Mary Lou Dickerson
Rep. Mike Armstrong
Rep. Mike Sells
Rep. Norm Johnson
Rep. Tom Campbell
Rep. Matthew Shea
Sen. Randi Becker
Sen. Mary Margaret Haugen
Sen. Brian Hatfield
Sen. Chris Marr
Sen. Claudia Kauffman
Sen. Curtis King
Sen. Dan Swecker
Sen. Derek Kilmer
Sen. Don Benton
Sen. Jean Berkey
Sen. Jerome Delvin
Sen. Jim Kastama
Sen. Ken Jacobsen
Sen. Kevin Ranker
Sen. Randy Gordon
Sen. Tim Sheldon
Sen. Tracey Eide
Rep. Al O'Brien
Rep. Mark Ericks
Sen. Rosemary McAuliffe
Rep. Glenn Anderson
Sen. Cheryl Pflug
Rep. Bob Hasegawa
Rep. Zack Hudgins
Sen. Margarita Prentice
Rep. Skip Priest
Rep. Mark Miloscia
Rep. Christopher Hurst
Sen. Pam Roach
Rep. Maralyn Chase
Rep. Ruth Kagi
Sen. Darlene Fairley
Rep. Tina Orwall
Sen. Karen Keiser
Rep. Eileen Cody
Rep. Sharon Nelson
Sen. Joe McDermott
Rep. Reuven Carlyle
Sen. Jeanne Kohl-Welles
Rep. Eric Pettigrew
Rep. Sharon Tomiko Santos
Sen. Adam Kline
Rep. Kirk Pearson
Sen. Val Stevens
Rep. Marcie Maxwell
Rep. Jamie Pedersen
Sen. Edward Murray
Rep. Roger Goodman
Sen. Eric Oemig
Rep. Phyllis Kenney
Rep. Pat Sullivan
Rep. Ross Hunter
Sen. Rodney Tom
Rep. Brad Klippert

Local and Elected Officials:

King County officials
County Executive Dow Constantine

Council members
Bob Ferguson, District 1
Larry Gossett, District 2
Kathy Lambert, District 3
Larry Phillips – District 4
Julia Patterson – District 5
Jane Hague – District 6
Peter von Reichbauer – District 7
Jan Drago - District 8
Reagan Dunn – District 9

City of Seattle officials
Mayor Mike McGinn

Council members
Sally Bagshaw
Tim Burgess
Sally Clark
Richard Conlin
Jean Godden
Bruce Harrell
Nick Licata
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Seattle, WA 98124
Attn.
PAOTeam@nws02.usace.army.mil

List of Affected Property Owners

Present use	Owner	WSDOT Parcel number	Physical Address	Contact and Mailing Address
Seattle Pacific Hotel	SRI Enterprise, LLC	1-22309	325 Aurora Ave. N	Vrajlal Nariya 325 Aurora Avenue N. Seattle, WA 98109
King 5 TV Parking	King Broadcasting Co	1-23347	East side of Aurora Avenue, north of Harrison Street	Dennis Hummel 333 Dexter Avenue N. Seattle, WA 98109
Clark Construction	Clark Geoffrey M	1-23348	408 Aurora Ave. N	Mike Ducey 408 Aurora Avenue N. Seattle, WA 98109
Gates Foundation	Iris Holdings, LLC	1-23351	500 Fifth Ave. N	Norma Miller PO Box 23350 Seattle, WA 98102
Hostess Bakery	Continental Baking Co	1-23349	434 Aurora Ave. N	Brian Swanson 434 Aurora Ave North Seattle, WA 98109
	Continental Baking Co	1-23349	434 Aurora Ave. N	Rick Schoenberg 44777 Quixote Street Temecula, CA 92592
	Continental Baking Co	1-23349	434 Aurora Ave. N	Dan Flowers 6031 Connection Drive Irving, TX 75039
	Continental Baking Co	1-23349	434 Aurora Ave. N	Jim Grosvenor 501 Conestoga Way Henderson, NV 89002
	Continental Baking Co	1-23349	434 Aurora Ave. N	Ken Barker 12 East Armour Blvd Kansas City, MO. 64111
	Continental Baking Co	1-23349	434 Aurora Ave. N	John Gravel 6031 Connection Drive Irving, TX 75039
	Continental Baking Co	1-23349	434 Aurora Ave. N	Rich Hobbs 8960 Marshell Drive Lenexa, KS 66215
School of Visual Concepts /	(Vulcan) City Investors XX, LLC	1-23350	500 Aurora Ave. N / East side of Aurora Avenue, south of Broad Street	Maria Mackey Gunn 505 Fifth Avenue S., Suite 900 Seattle, WA 98104
Pyramid Alehouse	1201 Building LLC	1-22314	1201 First Avenue S.	Mark Scalzo 7900 28th Street, Suite 310 PO Box 700 Mercer Island, WA 98040

As a courtesy to interested citizens, the Washington State Department of Transportation, hereinafter "the Department," or alternatively, "WSDOT," furnishes a copy of these Findings and Order to all persons filing a Notice of Appearance, even though some may not properly be parties to the hearing. For administrative convenience, all persons who provided written or verbal comments, filed a Notice of Appearance, or are listed on the Affidavit of Service by Mailing for the Access Hearing as abutting property owners, are listed above. The Department, by including a person in this listing and by furnishing a copy of the Findings and Order, does not acknowledge or necessarily recognize the recipient to be a proper party to the hearing.

Alec Williamson, WSDOT Civil Engineering Manager for The Alaskan Way Viaduct and Seawall Replacement Program of the NW Region, called the meeting to order under chapter 47.52 Revised Code of Washington (RCW). Hearing guidelines and legal requirements were provided by ALJ Robert Krabill, after which

witnesses were called. Evidence was taken by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced and admitted into evidence. Additional exhibits were added as necessary to respond to comments received at or subsequent to the hearing. Based upon the oral evidence, the exhibits introduced into evidence, and the additional exhibits entered into the record subsequent to the hearing, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary of Engineering and Regional Operations makes the following findings:

1. PROCEDURAL FINDINGS

A new alignment highway plan was prepared to propose the establishment of a limited access facility with full and modified access control for SR 99:

Between SR 99 right-of-way centerline station 166+50 to 725+00; as shown on:

- Sheets 1 through 5 of the Access Hearing Plan entitled "SR 99, S. Atlantic St. to S. King St., King County, dated November 23, 2010"
- Sheets 1 through 9 of the Access Hearing Plan entitled "SR 99, S. King St. to Thomas St., King County, dated November 10, 2010"
- Sheets 1 through 5 of the Access Hearing Plan entitled "SR 99, Thomas St. to Comstock St., King County, dated November 10, 2010"

These plans are the subject of this limited access findings and order. Under these plans, SR 99 will be altered to improve traffic mobility and safety.

The purpose of this Limited Access hearing process is the administrative action taken by the Washington State Department of Transportation pursuant to chapter 47.52 RCW, to (1) construct a new limited access portion of SR 99 and to (2) realign portions of SR 99 and change those portions from a Managed Access facility to a Limited Access facility, which will pass through downtown Seattle, from South Atlantic Street to Mercer Street. Pursuant to the Limited Access hearing process, this Findings and Order describes changes in access onto and from SR 99 in the downtown Seattle area, as well as the necessary access changes to individual abutting properties as a result of this project.

As part of the preparation of the Access Hearing Plan, the Department solicited and received from public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and other information. Thereafter the Department prepared and submitted to the appropriate officials an Access Report entitled Alaskan Way Viaduct & Sewall Replacement Program, Access Report dated November 2010, which included access hearing plans as follows:

- "SR 99, S.ATLANTIC ST. TO S. KING ST., KING COUNTY", Access Hearing Plan, Sta. 166+50 to Sta. 199+38.58 BK = Sta. 600+00 (5.02 Rt.) AHD, as shown on sheets 1 through 5, dated November 23, 2010
- "SR 99, S.KING ST. TO THOMAS ST., KING COUNTY", Access Hearing Plan, Sta. 600+00 to Sta. 688+20, as shown on sheets 1 through 9, dated November 10, 2010
- "SR 99, THOMAS ST. to COMSTOCK ST., KING COUNTY", Access Hearing Plan, Sta. 688+20 to Sta. 725+00, as shown on sheets 1 through 5, dated November 10, 2010

This report shows that such data has been taken into account by the Department as required by chapter 47.52 RCW. A copy of the Access Report was admitted into evidence, marked as Exhibit No. 4, and made part of the hearing record.

2. NOTICE OF HEARING

On November 23, 2010, the State Design Engineer by Order proposed said Access Hearing Plans and set a hearing date for December 14, 2010, in accordance with the provisions of chapter 47.52 RCW. The Order of Hearing was admitted into evidence, marked as Exhibit No. 1, and made part of the hearing record.

As part of the notice of Access Hearing, the Department prepared and mailed copies of relevant Access Hearing materials, including (1) a personalized letter, (2) a Notice of Appearance and speaker card, (3) a Limited Access Hearing Notice, and (4) the proposed Limited Access Hearing Plans:

- "SR 99, S.ATLANTIC ST. TO S. KING ST., KING COUNTY", Access Hearing Plan, Sta. 166+50 to Sta. 199+38.58 BK = Sta. 600+00 (5.02 Rt.) AHD, as shown on sheets 1 through 5, dated November 23, 2010
- "SR 99, S.KING ST. TO THOMAS ST., KING COUNTY", Access Hearing Plan, Sta. 600+00 to Sta. 688+20, as shown on sheets 1 through 9, dated November 10, 2010
- "SR 99, THOMAS ST. to COMSTOCK ST., KING COUNTY", Access Hearing Plan, Sta. 688+20 to Sta. 725+00, as shown on sheets 1 through 5, dated November 10, 2010

These Access Hearing materials were mailed November 24, 2010 to the abutting property owners of record, as evidenced by the Affidavit of Service by Mailing signed by Alita Alexander and notarized by Susan Heuer, both on November 24, 2010. The list of the recipients of the mailing is attached as Exhibit A to the Affidavit. The signed Affidavit of Service by Mailing was admitted into evidence, marked as Exhibit No.2, and made part of the hearing record.

On November 29, 2010, an exact copy of the "Notice of Limited Access Control Hearing" was published in The Seattle Times, as shown by the Affidavit of Publication with printed ad copy attached, signed by Debbie Collantes, an authorized representative of The Seattle Times . The Affidavit of Publication was admitted into evidence, marked as Exhibit No.3, and made part of the hearing record.

3. PRESERVATION OF THE PUBLIC INVESTMENT

State Route 99 is an important part of the State of Washington's highway system, representing a substantial expenditure of public funds to facilitate public travel. State Route 99 in its current location in Seattle is functionally classified as a Managed Access Facility and is part of the National Highway System. The Department of Transportation policy permits the establishment of limited access control on highways of this type. The proposed limited access control within the project limits on SR 99 will be established as Full control and Modified control as shown on the proposed Access Hearing Plans entered into evidence, marked as Exhibit No.5. In limiting access as shown on proposed Access Hearing Plans, traffic congestion is reduced, traffic safety is increased, and the highway is preserved for efficient future use, protecting the investment of public funds. In addition, full access control is needed to preserve the structural integrity of the proposed bored tunnel.

The efficiency of the highway as a means of moving a maximum volume of traffic in an optimal and safe manner is directly related to the number of access points it has. WSDOT has found that as property owners establish approaches onto a highway for their personal use or business use, the optimum operation of the facility gradually diminishes and becomes obsolete.

Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed intersections and modified private access points in order to preserve a highway's efficiency and safety.

The Access Hearing Plans, and the Revised Access Hearing Plans for the establishment of the limited access control facility, "SR 99, S. ATLANTIC ST. TO S. KING ST., KING COUNTY", ACCESS HEARING PLAN, STA. 166+50 TO STA. 199+38.58 BK = STA.600+00 (5.02 RT.) AHD, AS SHOWN ON SHEETS 1 THROUGH 5, DATED NOVEMBER 23, 2010; "SR 99, S.KING ST. TO THOMAS ST., KING COUNTY" ACCESS HEARING PLAN, STA. 600+00 TO STA. 688+20, AS SHOWN ON SHEETS 1 THROUGH 9, DATED NOVEMBER 10, 2010; and "SR 99, THOMAS ST. TO COMSTOCK ST., KING COUNTY" ACCESS HEARING PLAN, STA. 688+20 TO STA. 725+00, AS SHOWN ON SHEETS 1 THROUGH 5, DATED NOVEMBER 10, 2010, admitted into evidence, marked as Exhibit No. 5, will facilitate travel, reduce accident rates, preserve the public investment, and sustain the highway as a modern transportation facility.

4. EXHIBITS

The following exhibits were identified and entered into evidence at or subsequent to the hearing and are also made part of the hearing record:

Exhibit No. 1	Order of Hearing, November 23, 2010.
Exhibit No. 2	Affidavit of Service by Mailing, November 24, 2010
Exhibit No. 3	Affidavit of Publication, November 29, 2010.
Exhibit No. 4	Access Report, dated November 2010
Exhibit No. 5	Proposed Access Hearing Plans entitled "SR 99, S. ATLANTIC ST. TO S. KING ST.", as shown on sheets 1 through 5, dated November 23, 2010; "SR 99, S.KING ST. TO THOMAS ST.", as shown on sheets 1 through 9, dated November 10, 2010; and "SR 99, THOMAS ST. TO COMSTOCK ST.", as shown on sheets 1 through 5, dated November 10, 2010, all in King County.
Exhibit No. 6	Revision to Exhibit 5, Sheet No. 2 of 5 of the Access Hearing Plan entitled "SR 99, THOMAS STREET TO COMSTOCK STREET, King County, dated November 10th, 2010.
Exhibit No. 7	Printed copies of the slides used during the access hearing.
Exhibit No. 8	Letter, dated December 27, 2010, from Eric Laschever, Attorney, Stoel Rives LLP, representing Hostess Bakery, parcel no. 1-23349.
Exhibit No. 9	Letter, dated December 13, 2010, from Norma Miller, IRIS Holdings LLC, representing the Gates Foundation, parcel no. 1-23351.
Exhibit No. 10	Letter, dated December 17, 2010, from Robert Powers, P. E., Deputy Director, Seattle Department of Transportation.
Exhibit No. 11	SR 99 Bored Tunnel Alternative Design-Build Project – Revised Right-of-Way Needs and Boundaries Summary, dated July 2010
Exhibit No. 12	Alaskan Way Viaduct & Seawall Replacement Program, ROW Needs Supplemental Memorandum, dated September 2010

Exhibit No. 13 Memo, dated March 25, 2011, from Mike Wongkaew of Hatch Mott MacDonald, response to SR 99 Limited Access Hearing Comments from SDOT, SPU and SCL, documenting limited access boundary recommendations for the proposed bored tunnel.

5. SPECIFIC RESPONSES – ACCESS RELATED

WSDOT Alaskan Way Viaduct Project Engineers have considered the following comments of abutting property owners and public agencies as part of the Access Hearing process. Below we have identified the commenter, followed by each of their specific comments and WSDOT's responses:

A. **Hostess Bakery**, represented by Attorney Eric Laschever of the law firm Stoel Rives. The statements and questions posed during the Limited Access Hearing, as well as questions provided in its letter, dated December 27, 2010, (Exhibit 8), regarding parcel 1-23349, are provided below. WSDOT's responses follow.

1. Transport into the Bakery: The plans show a private entrance into the Bakery that crosses a "bus only" lane. We understand that WSDOT will work with Hostess to design signage and other features to minimize through traffic coming into the Bakery entrance.

   WSDOT Response:
   WSDOT will work with Hostess to design signage and other features to minimize the occurrence of traffic mistakenly entering the Hostess Bakery entrance.

2. Bulk Supplies: WSDOT's plan will eliminate the Bakery's current location for unloading bulk supplies. Hostess understands that WSDOT proposes relocating the hose bibs to the Dexter side of the building at the State's expense. Hostess believes this may be workable.

   WSDOT Response:
   With the state's action to establish limited access, Hostess will no longer be able to unload bulk supplies from the Republican Street side of the building. WSDOT's Real Estate Services office will work with Hostess to establish and pay just compensation so that Hostess can reconfigure the bulk supplies operation to Dexter Avenue.

3. Acquisition of land for sidewalk: The plan requires land from the corner of the property for pedestrian access. This would be subject to fair compensation to Hostess for the property and design which assures the structural integrity of the Bakery and the abutting property.

   WSDOT Response:
   WSDOT will be acquiring a small area at the northwest corner of the parcel for pedestrian access and to provide additional sight distance for the northbound off-ramp movement. WSDOT's Real Estate Services office will work with Hostess to establish and pay just compensation for the property acquired. WSDOT will verify structural stability of the corner of the Hostess building as a result of the state's action.

4. Parking: Hostess is concerned that the Project will remove off-street parking. You have identified the proper contact with the City to work through this issue. We will work with the City on this issue, but will continue to seek WSDOT's support in addressing this important issue.

WSDOT Response:
WSDOT will be removing on street parking on Republican Street to accommodate the new proposed SR 99 northbound off-ramp. The loss of on-street parking is non compensable because it is not a property right of an abutting property.

5. Construction disruption: Construction of the Viaduct Replacement is likely to disrupt access to and operation of the Bakery. Hostess wants to work out a plan for any disruption. This plan would include, but not be limited to, a projected time table, notification protocols, and compensation for costs and lost business.

WSDOT Response:
WSDOT will be developing scheduling and planning tools for access to businesses during construction and will share those plans at regular meetings scheduled with affected property owners prior to and during construction. WSDOT will provide reasonable access to all affected properties during construction. The criteria we establish will be included in contract specifications to ensure that the contractor's activities allow access to your business during construction. Items to be considered for the contract specifications could include: allowable work hours and closure hours, surface conditions for the approach during construction, the maximum size vehicle to be accommodated through the work zone, construction signing and other appropriate requirements. Lost business profits or damages due to temporary construction are non compensable items under Washington law.

B. **Gates Foundation**, represented by Norma Miller, IRIS Holdings LLC. The questions provided in their letter, dated December 13, 2010, (Exhibit 9), regarding parcel 1-23351 are provided below. WSDOT's responses follow.

1. The first access point is noted at station 311 +49. The noted conditions are acceptable to IRIS Holdings, however the exact location (station) for the access is yet to be determined. We anticipate that it will be very near station 311 +49, but it could be farther to the south or north, but likely somewhere between station 311 +00 and station 312+00. Our best estimate at this time is station 311 +50.

WSDOT Response:
WSDOT will revise the plan to show the access point center line location of Highway Engineer Station 311+50 as requested. Please note that the Highway Engineer Stationing for the 6TH Line changed between the time the Access Plans were mailed and date of the Access Hearing. WSDOT will continue to work with IRIS representatives to finalize the location of the two access points at mutually acceptable locations outside of the full control limited access areas.

2. The second access point is noted at station 313+50. The noted conditions are acceptable to IRIS Holdings, however the exact location (station) for the access is also yet to be determined. We currently anticipate that it will be north of station 313+50, probably between 314+00 and 315+00. Our best estimate at this time is station 314+25.

WSDOT Response:
WSDOT will continue to work with IRIS representatives to finalize the location of the two access points at mutually acceptable locations outside of the full control limited access areas.

3. We request that flexibility be allowed in the adopted Access Plan to accommodate some variation in the location of these access points, or that we be given sufficient time to finalize the locations before the Access Plan with specific locations is adopted. Determining the final locations will likely involve

consultation with the design team for the Sixth Avenue extension and approvals from both SDOT and WSDOT. That process could require a few months.

WSDOT Response:
WSDOT will continue to work with IRIS representatives to finalize the location of the two access points at mutually acceptable locations outside of full limited access areas.

4. We also note that the drawings identify areas of "Full Control" south of station 308+94 and north of station 314+95. However the rights-of-way lines in these zones are not hatched with-the drawing marks that indicate "Access to be Prohibited". Both of these zones are outside the area where we would expect WSDOT to require limitations to access and we request that the "Full Control" notes be deleted to avoid confusion. If the notes are actually appropriate and need to remain, we request an explanation and that clarification notes be added to the drawings for the record.

WSDOT Response:
The access plan and notes are shown correctly. Only areas shown with a heavy "hatched" line will have access restrictions. Authorized breaks in access are noted in the property owner title blocks on the limited access plan in the lower left corner.

C. **Seattle Department of Transportation (SDOT), Seattle Public Utilities (SPU) and Seattle City Light (SCL)** combined comments regarding Centerline Station 166+50 to 725+00. The combined comments were transmitted to WSDOT in a letter, dated December 17, 2010, (Exhibit 10) from SDOT. The first section presents the combined City comments with WSDOT's response after each. Following this section is the City's counter proposals and WSDOT responses to each:

1. **Comment No. 1a (Page 2 of 13, 2nd Paragraph):**
The State is proposing to obtain City right-of-way through the use of limited access designations in excess of what is required to protect the tunnel and tunnel portals. This excessive taking adversely impacts the City's ability to implement and operate its roadway and utility facilities.

WSDOT Response to Comment No. 1a:
WSDOT's identification of its limited access boundaries are appropriately sized to ensure the protection of the significant investment represented by the proposed bored tunnel. The boundaries do not unreasonably constrain the development of adjacent properties, nor will there be a significant effect to the City's ability to implement or operate its roadway or utility facilities.

Without limited access boundaries established as shown with the restrictions identified, development of access points on adjacent properties could negatively impact the functioning of the proposed SR 99 Bored Tunnel. WSDOT engineers examined the potential issues associated with such scenarios in the attached Exhibit 11 (see specifically Sections 2B and 2D and Figure 7 of Appendix B).

WSDOT must ensure that the bored tunnel is protected from adjacent development. WSDOT is relying upon any future development adjacent to the SR 99 right of way and bored tunnel be in compliance with the City of Seattle Grading Code, Section 22.170.200 Protection of Adjoining Property, to ensure that WSDOT has an opportunity to review and comment on the proposed development design to protect highway facilities.

The City's ability to implement and operate its roadway and utility facilities was taken into consideration when WSDOT identified the limited access boundaries. Numerous meetings with the Seattle City Light, Seattle Public Utilities, and Seattle Department of Transportation were held, information shared,

comments addressed, and changes to the limited access boundaries have been made pursuant to those meetings.

However, there are places where the City's desires could not be accommodated. At the north and south ends of the alignment, the bored tunnel is relatively shallow with soil cover of less than one tunnel diameter deep. In these sections, the upper limit of the limited access boundary has been adjusted to minimize impacts to the existing streets and utilities as much as possible without jeopardizing the tunnel structure. Future construction cannot be allowed to encroach below this limit because to do so would have the potential to reduce the buoyancy resistance and confinement of the bored tunnel provided by the surrounding soil mass. To allow such encroachment, specialized design and construction would be required that must be reviewed by WSDOT on a case by case basis. Having the limited access boundary in these locations does not eliminate the possibility of such construction, it just ensures that such construction would have to be first reviewed by WSDOT to ensure damage to and investment in the proposed bored tunnel is not compromised. A lowered boundary also increases the risk to the bored tunnel from future surcharge load in the event that a City street is vacated and a structure is constructed in its place. Please refer to the response to the City's Counterproposals 1A through 1C below and the attachments and Exhibits 11 through 13 for the supporting calculations.

To address the City's concern that WSDOT's areas designated as limited access are "excessive" we offer that our proposed limited access boundary is similar to other local tunnel projects.

For example:

- *The tunnel easement limits for Sound Transit's University Link tunnels are located approximately one tunnel diameter above and below the twin tunnels, and approximately one-half tunnel diameter on each side of the twin tunnels.*
- *The subsurface utility easement limits for King County's Brightwater Tunnel are located approximately one and one-half tunnel diameter above the tunnel and approximately 0.17 times the tunnel diameter on each side of the tunnel. The bottom limit of the easement extends to the legal limits of property ownership, i.e. bottomless.*

Additional conditions restricting future construction activities near the easement boundary were also written into the easements associated with these other local tunnels. In comparison, the proposed limited access boundary for SR 99 Bored Tunnel is located at about one tunnel diameter above and below the tunnel, and about one-quarter of the tunnel diameter on each side of the tunnel. Thus, in terms of the tunnel diameter, the proposed limited access boundary for the SR99 Bored Tunnel is similar, vertically and horizontally, to the subsurface easement limits identified for other local tunnel projects.

2. **Comment No. 1b (Page 2 of 13, 3rd Paragraph):**
WSDOT has indicated to the City that limited access for SR 99 must be configured with a full tunnel diameter (54 feet) above and below much of the tunnel bore in order to protect the structural integrity of the tunnel. WSDOT continues to cite their *SR 99 Bored Tunnel Alternative Design-Build Project – Revised Right-of-Way Needs and Boundaries Summary*, dated July 2010 and supplemented September 2010 (Summary) as evidence that a full tunnel diameter is the minimum buffer dimension necessary to protect the tunnel. However, the Summary presupposes a buffer dimension of 54 feet above the tunnel bore and subsequently demonstrates that this dimension is adequate to protect the tunnel from combined loads above the tunnel. This document does not calculate the minimum buffer dimension necessary to protect the tunnel from these combined loads. The Departments also note that the Summary does not contain the engineering calculations that support the conclusions summarized in that document.

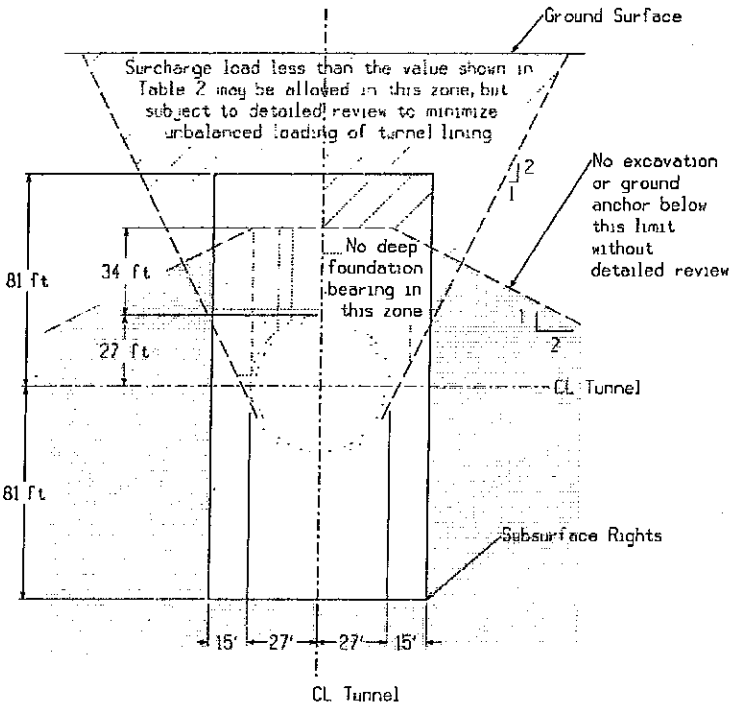
WSDOT Response to Comment No. 1b:

WSDOT engineers have found that one tunnel diameter allows for adequate load distribution in the tunnel lining and prevents point loading and moments from building up in the tunnel structure. A reduced limit would require WSDOT to impose limits on future development in excess of the City's building zoning requirement or an increase in tunnel lining thickness, and consequently, the size of tunnel excavation, in order to accommodate the load imposed. The current limit is in line with industry standards and best practices.

See Exhibit 11 (Appendix B of the Summary) for technical criteria for the construction and protection of the proposed SR 99 bored tunnel. The document identified the minimum buffer dimensions for the following considerations:

- *Protection of the tunnel from buoyancy due to an excavation located directly above the bored tunnel (Figure 4 of the document)*
- *Protection of the tunnel from loss of passive resistance on the tunnel lining provided by the surrounding soil mass as a result of an excavation in the adjoining property (Figure 5)*
- *Protection of the tunnel from vertical surcharge load above the tunnel (Figure 6)*
- *Protection of the tunnel from concentrated or unbalanced load due to deep foundation (Figure 6)*

These buffer dimensions were superimposed on the proposed limited access boundary and were presented as Figure 7 of the document, which is duplicated below.



The above figure is intended to show that, while the proposed limited access provides some protection of the bored tunnel, WSDOT is partially dependent on the City's enforcement of the City of Seattle Grading Code. For the full protection of the bored tunnel from excavation and surcharge load from the adjoining properties shown as shaded areas in the figure, the Code would have to be enforced.

The hatched line above the red zone in the figure depicts the excavation influence line which has a slope of 2H:1V, which is the same as the permanent slope identified in Section 22.170.200 of Seattle Grading Code and Exhibit 2B of Client Assistance Memo #508 of Seattle Department of Planning and Development (DPD). Further, the assumed surcharge load influence line (hatched line along the yellow zone in the figure) has a slope of 0.5H:1V, which is less conservative than the 1H:1V influence line which projects

from a building foundation shown on Exhibit 2B of DPD's Client Assistant Memo #508. This figure illustrates that the criteria for protecting the proposed SR 99 Bored Tunnel from surcharge and excavation were established on similar or less conservative bases when compared to the City of Seattle's requirements for obtaining grading and building permits.

Section 2C – Vertical Load due to Future Development of Appendix B of the Summary demonstrates that the proposed limited access boundary, in conjunction with the minimum thickness, strength and reinforcement requirements for the bored tunnel lining, would not restrict future development of properties above the tunnel, assuming the buildings conform to the current City of Seattle zoning heights.

The attached Supplement to the Summary, dated September 2010,(Exhibit 12), reviewed special cases at the south and north ends of the tunnel where it is relatively shallow. As a result of this review, the upper boundary of the limited access was lowered from the standard one tunnel diameter above the tunnel crown to exclude existing building foundations and to allow future deep foundations in glacial soils. The reduction in permissible surcharge loading will not reduce development potential to below current zoning in these areas.

Since the Limited Access Hearing, as a result of the City's request to confirm the actual limited access need, WSDOT engineers have found that the current limited access boundary for the area from the south margin of King Street to a point just south of Jackson Street does not provide the required 33 foot buffer above the tunnel to protect against buoyancy loading, nor does it protect the tunnel from point loading (see Exhibit 13). In order to protect the tunnel structure, WSDOT must revise the limited access boundaries presented at the hearing. The limited access lines will be raised from elevation minus 10 (-10) to elevation plus 13 (+13) between King Street and the south margin of Jackson Street above the proposed bored tunnel.

In summary, the minimum buffer dimensions, criteria, and calculations for protection of the proposed SR 99 Bored Tunnel were provided in the Appendix B of the Summary. The bases for these criteria were not any more demanding than the current requirements of City of Seattle grading and building permits, nor were they any more restrictive to future property development in the City than the City's current zoning height ordinances allow. Exhibit 13 contains additional supporting calculations in response to the Counterproposals 1A through 1C below.

3. **Comment No. 1c (Page 2 of 13, 4th Paragraph):**
Furthermore, with regard to vertical loads on the tunnel, the Summary only addresses the application of soil, hydrostatic, ground surface surcharge, and building foundation loads where the tunnel will intersect privately held property. The Summary does not calculate the minimum buffer dimension necessary to protect the tunnel where the tunnel is situated under existing City right-of-way where the building foundation loads of a typical pile supported building may not fully apply. Table 3 of the Summary illustrates that building foundation loads account for 11% to 31% of the total vertical load on the tunnel crown depending on location. Acknowledging where building foundation loads do not apply in the City right-of-way offers an opportunity to further reduce the amount of air space around the tunnel bore required as limited access.

WSDOT Response to Comment No. 1c:
The criteria for protection of the bored tunnel from surcharge loads is also applicable where the tunnel is situated under existing City right-of-way. WSDOT must protect the proposed bored tunnel from the potential of a structure or utility imposing surcharge load constructed above the tunnel in the future. As explained in Section 2D of Appendix B of the Summary,(Exhibit 11), a buffer distance of about 1.25 times the tunnel radius (i.e. about 34 ft) above the tunnel crown is required to protect the tunnel lining from being subjected to concentrated or unbalanced load. A larger buffer distance may be required, depending

on the magnitude of the surcharge load as further discussed in Section 2C of the same document. The influence zone from surcharge load projecting at a slope of 1H:2V from the tunnel is partially shaded in yellow in the figure above.

Where the tunnel is directly under the existing City right-of-way, ensuring the criteria is enforced offers protection from buoyancy due to excavation of the soil above the tunnel and protection from a loss of passive resistance on the tunnel lining due to an excavation in the adjoining property. The bases for these criteria were discussed in Sections 2B and 2C of Appendix B of the Summary.

The proposed bored tunnel will be designed and constructed to meet strict water tightness requirements. Due to its large size and the high groundwater table in the south downtown area, the watertight tunnel will be buoyant. As calculated in Section 2B of the Summary, a minimum thickness of soil cover above the tunnel crown of 33 ft is required to achieve a safety factor against buoyancy of 1.1. This safety factor is considered marginal and cannot be further reduced. Excavation in the adjoining property, if not properly designed and constructed, could mobilize the block of soil above the tunnel and compromise the buoyancy resistance. It is for this reason that the excavation influence line of 2H: 1V, shown on the figure above and shaded in red, starts at the top of the minimum soil block.[1]

Mobilization of the soil mass around the tunnel due to excavation at the adjoining properties could also reduce the passive resistance for the tunnel lining provided by the soil mass. If not prevented, the loss of passive resistance could lead to movement and deformation of the tunnel lining and increase associated stresses.

Minimizing the size of the soil block above the tunnel by lowering the limited access boundary above the tunnel as suggested in the comment has already been done where safely feasible at the north and south ends of the tunnel. In these areas, the upper limit of the limited access boundary is located to specifically exclude existing streets and utilities where possible. The Supplement to the summary dated September 2010 further analyzed special cases at the south and north ends where the tunnel is situated under private properties. The upper boundary of the limited access under these parcels has already been lowered from the standard one tunnel diameter above the tunnel crown to exclude existing building foundations and to allow building owners to construct potential future deep foundations in glacial soils, which is desirable from a building safety standpoint, while maintaining the buoyancy protection of the tunnel.

In the area of the tunnel between John and Thomas Streets, it is under 6th Avenue and above the ground water table. Although buoyancy protection is not an issue, the shallow tunnel at this location relies on the soil cover above the tunnel for vertical confinement. The horizontal earth pressure on the side wall of the tunnel lining would tend to cause vertical ovaling of the shallow tunnel. If an excavation is made above the tunnel, the reduced weight and shear strength of the soil above the tunnel would be insufficient to resist the upward passive pressure due to the ovaling deformation, potentially leading to a failure of the soil mass above the tunnel, increasing tunnel lining deformation and distress. The soil beneath the base of the excavation but above the tunnel would also be mobilized as a result of the excavation, further reducing the confinement of the tunnel.

Since the Limited Access Hearing, WSDOT Engineers have found that in the area between John and Thomas Streets, the upper boundary of the limited access should not be lower than approximately 10 ft below the existing ground surface, or 34 feet from the tunnel crown, to ensure tunnel structural integrity. Therefore, the full limited access boundary was moved to the surface to a point just south of the Thomas Street intersection, where the 34 foot dimension first intersects the ground. This is different from what was

[1] There is one foot difference between the buffer dimension of 33 feet for buoyancy protection and the buffer dimension of 34 feet for protection from concentrated load. Due to the small difference it is reasonable that the excavation influence lines were drawn from the 34 feet buffer dimension instead of 33 feet.

presented at the hearing, but this change is necessary to protect the tunnel structural integrity. The calculation demonstrating this potential adverse scenario is attached (see Exhibit 13).

4. **Comment No. 1d (Page 2 of 13, 5th Paragraph):**
In addition, the Summary does not address right-of-way needs or WSDOT's proposed limited access designation above the tunnel portals. Therefore, the Departments do not have sufficient information to assess WSDOT's claims that designation as a limited access facility is appropriate in these areas as protection for the portal structure.

WSDOT Response to Comment No. 1d:
The tunnel portals will be constructed from the ground surface using cut-and-cover technique. As such, right-of-way is required for construction from the ground surface to the base of the support of excavation and the base of the portal, similar to other buried infrastructure. The bored portion of the tunnel has been extended to the south as a result of an agreed upon change proposed by the Design-Builder. As previously discussed, the bored tunnel requires a minimum of 33 feet of soil cover to protect against buoyancy damage. This necessitates full access control to the street surface starting from the cut and cover portals south of Dearborn Street and extending to just south of S. King Street. Full access is needed to elevation +13 from S. King Street to S. Jackson Street.

In order to meet durability and watertightness requirements, the cut-and-cover tunnel portals will be encapsulated with a waterproofing membrane. Allowing construction activities above the cut-and-cover tunnel portals could damage the waterproofing and compromise the watertightness. Thus, limited access to the surface is needed to insure that the waterproofing is protected. The tunnel is designed to function for 100 years of service. With such a long service life, it is essential that WSDOT have a mechanism in place to ensure that any construction activity above the tunnel be reviewed and approved prior to the start of work above the tunnel and portals. A permit process has already been negotiated and agreed to by the WSDOT and City in an effort to streamline the process.

5. **Comment No. 1e (Page 3 of 13, 1st Paragraph):**
The extent of limited access, as currently proposed, occupies the same air space that currently contains City utilities and roadway infrastructure. For example, WSDOT's analysis of utilities above the tunnel bore between Station 600+00 and Station 688+20 indicates existing utilities and utility services within the boundaries of the proposed limited access designation. WSDOT's analysis is attached as Exhibit A. In addition, SPU has identified that structural piles supporting SPU's 48-inch diameter combined sewer in South King Street at Alaskan Way would be situated in the proposed limited access.

WSDOT Response to Comment No. 1e:
The top limit of the limited access boundary has already been lowered to exclude as many of the existing utilities as is prudent and feasible. For safety reasons, the lowering of the boundary to this extent was considered a reasonable compromise, recognizing that the reduction of the standard buffer around the tunnel increases the risk of issues with structural integrity should the air space outside the limited access boundary be disturbed or used. WSDOT engineers have found that it would not be prudent to lower the top limited access boundary any further. Since it is critical that the City and utility owners in this area consult with WSDOT to determine the potential impact proposed work may have upon the tunnel structure, the location of the limited access boundary is well set; it ensures that such coordination will happen. Working together, WSDOT and utility owners can determine the best method of construction that will not endanger our joint investment in the bored tunnel.

6. **Comment No. 1f (Page 3 of 13, 2nd Paragraph):**
While we assume that a State limited access designation results in existing roadway infrastructure becoming the operational and maintenance responsibility of WSDOT, we are concerned that the proposed limited access results in the requirement for SDOT, SCL, SPU and the Seattle Department of Information Technology (DoIT) to obtain construction permits from WSDOT to: (1) access, maintain, repair, and replace City infrastructure; and (2) establish new City infrastructure. The process of obtaining such permits from WSDOT presents new hardships, including the costs of obtaining such permits and potential delays to operational activities that are not currently required in the City's operation of its roadway and utility facilities.

WSDOT Response to Comment No. 1f:
The proposed limited access boundary is necessary for the protection of the bored tunnel, and is within the authority afforded the State in chapter 47.52 RCW. As explained in the response to comments above, the criteria for protecting the proposed SR 99 Bored Tunnel from surcharge load and excavation were established on similar or less conservative bases as compared to the current City of Seattle's requirements for grading and building permits.

The process will require the City of Seattle to request a permit from WSDOT if the City proposes work within the limited access envelope. Because you are likely most familiar with the City's requirement for Street Use Permits whenever work is done on City right-of-way, you may assume the process for obtaining permits from WSDOT is similar in process, timeframes and cost. However, this is not the case. WSDOT's permit process is not onerous, and WSDOT does not unreasonably withhold or delay the application for any permit subject to the engineering solution not negatively impacting state infrastructure. The permit cost is nominal. As you can understand, as the City requires Street Use Permits to ensure the integrity of its facilities, WSDOT must do the same for its billion dollar infrastructure investment.

When final utility locations have been identified, where possible, excavation at a depth and of a volume to be determined (for example, in parameters which would not trigger a Department of Development Grading Permit – no more than four feet deep, and no more than 50 cubic yards of excavation), will be allowed associated with utility permits without additional permit applications.

In addition, for those areas of limited access that are not directly within the SR 99 highway footprint (for example intersecting city streets) or ramps serving the highway, as part of the utility permit associated with the City's utilities, WSDOT will provide unrestricted access to existing or new facilities for the purposes of maintenance and operation, so long as significant excavation is not contemplated.

7. **Comment No. 1g (Page 3 of 13, 3rd Paragraph):**
Similarly, customers of SPU, SCL, DoIT and private utilities would likely be required to obtain franchises and permits for utility service lines, such as sanitary side sewers, water services, and telecommunications services, situated within the proposed limited access, as well as obtain construction permits to access, maintain, repair, and replace such utility services.

WSDOT Response to Comment No. 1g:
WSDOT is defining limited access boundaries for the purpose of safeguarding the structural integrity of the tunnel facility and to ensure that traffic access is managed for the safety of the traveling public and to protect the public's investment in the highway facility. At the same time, it is WSDOT's intention to perpetuate the rights and responsibilities that currently exist between utility providers and their customers, regardless of the location of the limited access boundaries. To implement this intent, WSDOT will enter into a right of way agreement that will outline the utilities' responsibilities in specific locations, such as utility connections to buildings. It is WSDOT's intent to adjust the limited access boundaries where possible, as detailed designs are created, to minimize the amount of utilities located within limited access

boundaries. Both of these concepts will be memorialized in a right of way agreement between WSDOT and the City following the Environmental Record of Decision.

RESPONSE TO COUNTERPROPOSALS (Exhibit 10)

Counterproposals No. 1a:
The Departments ask that WSDOT calculate the minimum buffer dimension required to protect the tunnel and counter buoyancy, both within private property and within existing City right-of-way, and provide those calculations to the Departments. WSDOT should then revise the proposed extents of limited access to reflect only the air space necessary to safely operate and maintain the tunnel.

WSDOT Response to Counterproposal No. 1a:
The requested calculations are attached within Exhibit 13. Based on the calculations, the Summary (Exhibit 12), and the response to comments above, WSDOT finds that the proposed limited access boundary is necessary to protect the tunnel and no further reduction of the limited access boundary can be made.

Counterproposal No. 1b:
The Departments ask that WSDOT provide engineering analyses that demonstrate the required extent of limited access designation around the tunnel portals for the purpose of protecting the tunnel. WSDOT should then revise the proposed extents of limited access to reflect only the air space necessary to safely operate the tunnel portals.

WSDOT Response to Counterproposal No. 1b:
The tunnel portals will be constructed from the ground surface using cut-and-cover technique. As such, right-of-way is required for construction from the ground surface to the base of the support of excavation and the base of the portal, similar to other buried infrastructure. Please refer to the response provided for Comment 1a above, and shown in Exhibit 11. As discussed in detail there, the bored tunnel requires a minimum of 33 feet of soil cover to protect against buoyancy damage. This necessitates full access control to the street surface starting from the cut and cover portals south of Dearborn Street and extending to just south of S. King Street. Full access is needed to elevation +13 from S. King Street to S. Jackson Street.

Also as discussed above, in order to meet the durability and watertightness requirements, the cut-and-cover tunnel portals will be encapsulated with a waterproofing membrane. Construction activities above the cut-and-cover tunnel portals could damage the waterproofing and compromise the watertightness. Thus, limited access to the surface is needed to insure that the waterproofing is protected.

Counterproposal No. 1c:
The Departments ask that WSDOT provide the Departments with the buoyancy calculations that support the conclusions documented in the Summary, and offer the Departments the opportunity to review and comment on these calculations.

WSDOT Response to Counterproposal No. 1c:
Please see response to Counterproposal 1A. Calculations are attached within Exhibit 11.

Counterproposal 2 Road Design Standards for Surface Streets within Limited Access (3rd Paragraph, Page 4 of 13):
We ask that WSDOT document its plan to apply the *Portal Area Design Guidelines* to the design and maintenance of the surface streets in its Findings and Order. The *Portal Area Design Guidelines* do not address all aspects for roadway design. SDOT asks WSDOT to apply the standards established in the *Seattle Right-of-Way Improvement Manual* to the design of all surface streets, within the limited access designation, where the *Portal Area Design Guidelines* do not offer direction regarding the design of a particular roadway element. We

also ask that WSDOT continue to work with the City of Seattle in the effort to make the design of these surface streets compatible with adjacent City streets and the City's Central Waterfront Project.

WSDOT Response to Counterproposal 2:
This is a design comment that is not related to the establishment of limited access. WSDOT will use the WSDOT Design Manual and Portal Area Design Guidelines in the design development of these streets, as committed to in the Access Report (Exhibit 4). WSDOT will endeavor to make the design of these roadways compatible with the City's Central Waterfront Project. The roadways and intersections will be designed to be as compact as possible while still accommodating vehicles that customarily use the facility, thereby avoiding possible safety and maintenance issues. Specifically, pedestrians and bicycles might be in danger if appropriate turning radii are not designed into the streets, which could result in vehicles off-tracking onto adjacent sidewalks and appurtenances. Detailed design elements will be coordinated through the channelization plan development and permitting processes during preliminary and final design.

Counterproposal 3. Limited Access Boundaries on Alaskan Way, south of South King Street
WSDOT's limited access proposal includes a transition from a conventional limited access right-of-way to a subterranean, three-dimensional right-of-way corridor at Mile Post 30.78 (Station 199+38.58). *Departments' Comments:* WSDOT has not demonstrated that limited access is necessary at the surface to protect the tunnel portal structure. WSDOT has indicated that they are designating limited access in this vicinity in order to control access to and from the intersection of South Dearborn Street with the proposed entrance and exit ramps of SR 99. It is our understanding that WSDOT typically controls access through limited access designation for a distance of 300 feet from such an intersection. However, WSDOT's Access Hearing Plan shows full access control extending northward more than 300 feet, all the way to South King Street.
Departments' Counterproposal: Transition from a conventional limited access right-of-way to a subterranean, three-dimensional right-of-way corridor 300 feet north of the north margin of South Dearborn Street approximately at Station 196+71, rather than at Mile Post 30.78 (Station 199+38.58). As a result, SR 519 would be managed access at the surface north of Station 196+71.

WSDOT Response to Counterproposal 3:
The limited access boundary is being planned north of Dearborn Street to the south margin of King Street for these critical reasons: 1) WSDOT must protect the waterproof membrane which will be integrated into the cut and cover structure, 2) as discussed in detail in response to comment 1b, above, WSDOT must protect the tunnel from situations where removal of soil would create uplifting buoyant pressures harmful to the tunnel, and 3) the 'typical' 300 feet noted above is a minimum, and 4) WSDOT had to determine a logical long term boundary point between City and State maintenance and operations.

WSDOT will describe in detail the boundaries where the responsibilities for maintenance and operations shift between the City and State in the right of way agreement that is to follow after the Environmental Record of Decision.

Counterproposal 4. Proposed transmission facilities to be located in Alaskan Way South (SR 519), south of South King Street
The proposed SCL transmission facilities in Alaskan Way South (SR 519), south of South King Street, will be situated within limited access as proposed on the Access Hearing Plans. See Exhibit B - Proposed SCL Transmission Facilities in Alaskan Way.
SCL's Comments: WSDOT's proposed limited access facility will require SCL to obtain utility franchises and construction permits from WSDOT to access, maintain, repair and replace these SCL transmission facilities. The process of obtaining such permits from WSDOT presents new hardships in SCL's operation of its utility due to the cost of obtaining such permits and potential delays to its operational activities.

SCL's Counterproposals:
4A. Adjust the boundaries of the limited access designation so that the proposed SCL transmission facilities are aligned outside of limit access. WSDOT may be able to address SCL's Issue 4 comments by implementing the Departments' counterproposal for Issue 3, above. 4B. OR. Ensure that these transmission facilities are designed and constructed outside of the proposed limited access area.

WSDOT Response to Counterproposal 4:
The need for the limited access boundary to be situated as shown on WSDOT limited access plans has been explained in responses to comment 1b. WSDOT, SDOT, SCL, and SPU have agreed that some city owned utilities will remain within limited access after project completion. This agreement is documented in the provisions of agreements UT01476 and UT01474. The application of the provisions of those agreements will dictate the way WSDOT will work with those utilities.

In addition, as discussed above, when final utility locations have been identified, where possible, excavation at a depth and of a volume to be determined (for example, in parameters which would not trigger a Department of Development Grading Permit – no more than four feet deep, and no more than 50 cubic yards of excavation), will be allowed associated with utility permits without additional permit applications.

Finally, for those areas of limited access that are not in the SR 99 highway footprint (for example intersecting city streets) or ramps serving the highway, as part of the utility permit associated with the City's utilities WSDOT will provide unrestricted access to existing or new facilities for the purposes of maintenance and operation, so long as significant excavation is not contemplated.

Counterproposal 5. City utilities at the intersection of Royal Brougham, East Frontage Road and SR 99
Existing City utilities and proposed City utilities that are being relocated by WSDOT as part of their Moving Forward Projects in the vicinity of the intersection of Royal Brougham Way and the proposed East Frontage Road, the on-ramp to SR 99, and SR 99 will be situated within limited access as proposed on the Access Hearing Plans.

Departments' Comments: As stated above, designating a limited access facility requires City utility departments to obtain utility franchises and construction permits from WSDOT to access, maintain, repair and replace City utilities within limited access. The process of obtaining such permits from WSDOT presents new hardships in SPU and SCL's operation of their utilities due to the cost of obtaining such permits and potential delays to their operational activities.

Departments' Counterproposals:
5A. Revise the proposed boundaries of limited access so that they end north of, or otherwise exclude, all the City utilities including SPU combined sewers, SPU storm systems, SPU pump stations, SPU water quality systems, SPU watermains, water services, SCL underground network ductbanks and vaults, SCL underground distribution ductbanks and vaults, and SCL underground transmission ductbanks and vaults.

5B. OR, maintain the access controls along the fronting private properties and increase the area to be turned back to the City to own and operate as City right-of-way. The additional turn back area should fully encompass all SPU water mains not installed in casings, all SCL vaults and all utility service lines. See Exhibit C for a graphical representation of this counterproposal.

5C. OR, WSDOT could relocate City utilities to new alignments outside the proposed limited access.

WSDOT Response to Counterproposal 5:
Limited access is required at the East Frontage Road/S. Royal Brougham Way/SR 99 NB on-ramp/SB off-ramp intersection functional area to ensure safe operation of the SR 99 limited access facility. State policy would

dictate a minimum 300 foot zone beyond this intersection for full limited access control; however, in our negotiations with the City of Seattle, WSDOT has deviated from this design standard. These compromises have been incorporated into our limited access plans. Further reduction cannot be considered because to do so would compromise the safe and efficient operation of SR 99.

The process of obtaining permits to allow for the siting and operation of SPU and SCL's utilities does not create an undue burden on the agencies. As described above, the permitting process with the WSDOT requires the City to request a permit from WSDOT if the City proposes work within the limited access envelope. WSDOT's permit process is not onerous, and WSDOT does not unreasonably withhold or delay the application for any permit subject to the engineering solution being acceptable. The permit cost is nominal.

In addition, as described above, when final utility locations have been identified, where possible, excavation at a depth and of a volume to be determined (for example, in parameters which would not trigger a Department of Development Grading Permit – no more than four feet deep, and no more than 50 cubic yards of excavation), will be allowed associated with utility permits without additional permit applications.

Finally, for those areas of limited access that are not in the SR 99 highway footprint (for example intersecting city streets) or ramps serving the highway, as part of the utility permit associated with the City's utilities, WSDOT will provide unrestricted access to existing or new facilities for the purposes of maintenance and operation, so long as significant excavation is not contemplated.

Counterproposal 6. Proposed electrical service switchgear located in the vicinity of Charles Street and SR99

There have been discussions between WSDOT and SCL about placing electrical switchgear where the projection of Charles Street intersects the proposed SR 99 right-of-way as a hub for providing electrical services to large load customers in the area, including the proposed tunnel. This piece of equipment would be mounted on a concrete pad at ground surface and would be approximately 30 feet by 4 feet. Based upon current plans, this proposed switchgear appears to be fully or partially located within the proposed limited access boundary. See Exhibit D Electrical Service Switchgear Location Map (Exhibit 10).

SCL's Comments: This switchgear will serve several private customers and requires regular access by SCL. Designating a limited access facility would require SCL to obtain utility franchises and construction permits from WSDOT to access, maintain, repair and replace this piece of equipment compromising the level of service SCL intends to provide customers connected to this switchgear.

SCL's Counterproposals:

6A. Design and construct this switchgear so that it is situated outside of the limited access designation.

6B. OR, Adjust the current boundaries of limited access in the vicinity of Charles Street and SR99 so the proposed switchgear can be situated outside limited access.

WSDOT Response to Counterproposal 6:

After design is finalized, it may be possible to make a future minor limited access boundary adjustment to exclude the switchgear equipment. WSDOT will continue to work with SCL on this issue. However, as stated above, permitting to allow for siting and operation of the switchgear should pose no undue burden to the City.

Counterproposal 7. SPU water main in Alaskan Way between Station 190+30 and Station 199+38.58

The SPU water main in the west margin of Alaskan Way between Station 190+30 and Station 199+38.58 will be situated within limited access as proposed on the Access Hearing Plans.

SPU's Comments: Designating a limited access facility requires SPU to obtain a utility franchises and construction permits from WSDOT to access, maintain, repair and replace this water main. The process of obtaining such permits from WSDOT presents new hardships in SPU's operation of its water system due to the cost of obtaining such permits and potential delays to its operational activities.

Departments' Counterproposals:
7A. Revise the proposed boundaries of limited access so that the subject water main is aligned outside of limited access.
7B. OR. WSDOT could relocate the subject water main to an alignment outside the proposed limited access.

WSDOT Response to Counterproposal 7:
See response to Counterproposals 3 and 5.

Counterproposal 8. Proposed railroad tail track overpass at Atlantic Street
The proposed limited access boundaries are configured so that portions of the proposed tail track overpass at Atlantic Street (aka Holgate to King Stage 3) are partially within the proposed limited access.
SDOT's Comment: SDOT will not accept ownership and operation of a roadway structure such as this overpass with all or portions of the structure situated within limited access. SDOT's position on this issue is consistent with the ownership and operation of other roadway structures located within both State limited access and the City limits.
SDOT's Counterproposals:
8A. If the State intends that the City will own the proposed tail track overpass, the limited access boundaries need to be adjusted so that this structure is wholly outside of State limited access. Please note that the Departments' counterproposal 5A, above, could also account for the overpass structure by terminating limited access north of the overpass structure as well as City utilities. Similarly, the Departments' counterproposal 5B could place the overpass structure outside limited access by extending the proposed turnback area to encompass the overpass and City utilities.
8B. OR. ensure that WSDOT will own and maintain the overpass structure.

WSDOT Response to Counterproposal 8:
In our negotiations with SDOT, we have agreed in principle that WSDOT will own and maintain the tail track bypass structure crossing SR 99, and SDOT will operate the structure long term. Both parties have agreed that an agreement will be prepared that will document this arrangement. As shown on the limited access maps, the Atlantic Street Undercrossing Bridge is substantially located within limited access. WSDOT will own the structure in its entirety, inside and outside of limited access. The City of Seattle will be responsible for operating this roadway, and WSDOT will be responsible for maintenance of the bridge structure.

Counterproposal 9. Access to and from the former WOSCA property
WSDOT is proposing that access be fully prohibited on the north, south and west frontages of the property currently held by WSDOT that is bound by 1st Avenue South, Royal Brougham Way, the proposed limits of SR 99 and South Dearborn Street (a portion of the former WOSCA property). The State has agreed to surplus this property following completion of the Proposed Bored Tunnel Project as established in the pending project agreements between the City and the State.

SDOT's Comment: SDOT contends that in order for this property to be reintegrated into the neighborhood as a developable property, this property requires adequate ingress and egress. Because of the limited east-west dimension of the site, it may be necessary for general purpose vehicles, service vehicles and emergency vehicles to enter the site at one frontage location and exit at another.

SDOT's Counterproposals:
9A. Add one right-turn-in-only, commercial approach on the WOSCA property's Royal Brougham Way frontage.
9B. Add one right-turn-out-only, commercial approach on the WOSCA property's Dearborn Street frontage.

WSDOT Response to Counterproposal 9:
Full access control is proposed on the north and south edges of this property to preserve safe and efficient traffic operations at the ramp terminal intersections. WSDOT will consider changes to the planned full access control on the north and south edges of this property after the tunnel is open to traffic to determine if road approaches at these locations can be safely accommodated. WSDOT and SDOT Traffic Engineers met on March 9, 2011 and agreed that future access breaks at these locations may be possible and such breaks would be considered at the time a development is proposed to ensure the best possible integration.

Counterproposal 10. Proposed limited access designation conflicts with proposed Seawall replacement
Based on SDOT's current design alternatives for the Seawall replacement structure, SDOT anticipates that this structure will be situated within limited access in the vicinity of Washington Street and Alaskan Way. More specifically, SDOT estimates the new Seawall would overlap limited access from Station 610+50 to 612+00.
SDOT Counterproposal: Adjust the boundaries of limited access so that the proposed Seawall structure is situated outside of limited access. We are available to discuss options for the appropriate adjustment to the boundaries.

WSDOT Response to Counterproposal 10:
WSDOT has reviewed the current design concepts, and acknowledges that the design is still at a preliminary stage. However, the currents concepts appear to be compatible with the tunnel design, and WSDOT believes that the seawall can be accommodated within the proposed limited access boundary. Well coordinated design and construction methods will have to be employed, and the permitting process that is associated with construction of facilities within the limited access boundaries will ensure that this coordination takes place. It appears to WSDOT that no extraordinary measures (such as a realignment of seawall location) will be required to protect the tunnel so long as the seawall construction methods are similar to those proposed to date.

WSDOT believes that the selected limited access boundary is appropriate as explained in response to comments 1a through 1d.

Counterproposal 11. Limited access designation for Parcel 1-22310
SDOT's Comment: WSDOT's proposed use of Parcel 1-22310 does not warrant designating this parcel as a limited Access Facility. SDOT understands that WSDOT will use this parcel to park tunnel maintenance vehicles in the short-term and later surplus the parcel for reintegration into the neighborhood as a developable property. We also understand that WSDOT plans to retain a right to continue parking WSDOT vehicles within the redeveloped parcel.
SDOT's Counterproposal: SDOT is interested in exploring alternative means of accommodating WSDOT's near-term and longer-term uses of this parcel without designating it as limited access.

WSDOT Response to Counterproposal 11:
WSDOT will work with SDOT to develop a plan to accommodate permanent parking to be used by the tunnel operations building personnel and equipment. As agreed by both parties, an agreement will be prepared that will document this arrangement. Following adoption of this agreement, the limited access designation will be removed from this parcel.

Counterproposal 12. Limited access on the 6th Avenue North Extension
The land area proposed to become the extension of 6th Avenue North between Harrison Street and Mercer Street is currently private property. Per agreement between the property owner, Iris Holdings, LLC, and the City

of Seattle, this property and certain roadway and utility improvements to be made to this property will be transferred to the City. Under WSDOT's limited access proposal, a portion of this same property (at this point in the time line, City right-of-way) would become a State-held limited access facility only to be later turned back to the City to be managed as City right-of-way. It is SDOT's current understanding that portions of the 6th Avenue North extension may be designed and built by WSDOT while other portions will be designed and built by SDOT. Furthermore, during the period this portion of 6th is a limited access facility, WSDOT would need to issue utility franchises to SPU and SCL for their proposed utilities. During this period, SCL and SPU would need to obtain permits from WSDOT to enter 6th to maintain their utilities.
SDOT Comment: WSDOT's proposal to temporarily hold this portion of 6th Avenue as a limited access facility will result in unnecessary processes, unnecessary interagency agreements and permits, and other complications that present unnecessary costs to the public.
SDOT Counterproposal: SDOT proposes that 6th Avenue be designated managed access with conditions including the same access controls along 6th Avenue's west margin as proposed on the Access Hearing Plans.

WSDOT Response to Counterproposal 12:
WSDOT will not own the 6th Avenue right-of-way at any time. WSDOT's plan is to acquire and maintain only the access rights on and off of 6th Avenue with the boundaries as shown in the access hearing plans. For these reasons, SDOT will not need to acquire utility permits for any portion of the 6th Avenue extension north of Harrison Street.

Counterproposal 13. City Utilities in 6th Avenue between Thomas Street and Denny Way
Existing City utilities within 6th Avenue North between Thomas Street and Denny Way will be situated within limited access as proposed on the Access Hearing Plans. See Exhibit A for WSDOT's graphical analysis of this condition.
Departments' Comments: As stated above, designating a limited access facility requires City utility departments to obtain utility franchises and construction permits from WSDOT to access, maintain, repair and replace City utilities within limited access. The process of obtaining such permits from WSDOT presents new hardships in SPU and SCL's operation of their utilities due to the cost of obtaining such permits and potential delays to their operational activities. Similarly, customers of SPU, SCL, DoIT and private utilities would likely be required to obtain franchises and permits for utility service lines, such as sanitary side sewers, water services and telecommunications services, situated within the proposed limited access, as well as to obtain construction permits to access, maintain, repair, and replace such utility services.
Departments' Counterproposals: Lower the top of the limited access air space envelope so that all existing and program-proposed utilities including SPU combined sewers, side sewers, SPU watermains, water services, SPU storm drainage systems and SCL underground ductbanks and vaults are situated above and fully outside of the limited access envelope.

WSDOT Response to Counterproposal 13:
Please see the response to comment 1 and responses to Counterproposal 5. WSDOT has reduced the limited access boundary to below standard industry practice (one tunnel diameter) in the Denny Way to Thomas Street tunnel section to accommodate the City's request to minimize the effect on the city street and utilities that would be located in this area. WSDOT has analyzed this area carefully and believes that the limited access boundary selected in the Denny Way to Thomas Street area is necessary for tunnel protection and is within the WSDOT's authority pursuant to RCW 47.52.

Counterproposal 14. Maintenance access to existing 48-inch combined sewer
SPU currently accesses its 48-inch combined sewer in the existing Broad Street right-of-way via a manhole located east of SR 99 approximately at station 701+00, among other locations along the sewer's alignment. The current design of the Proposed Bored Tunnel Project's north access area requires the closure of Broad Street and incorporation of portions of the Broad Street right-of-way into the SR 99 right-of-way. SPU has accepted that

portions of the 48-inch combined sewer will be within the proposed limited access. However, SPU will need to access the manhole from the east margin of SR 99.
SPU's Comment: As shown on the Hearing Plans, access is fully restricted along SR 99's east margin, south of the overcrossing at Mercer Street. SPU needs to access their manhole from this location.
Departments' Counterproposal: Add a special purpose approach at approximate station 700+50, right. The access will be for occasional maintenance access. This approach can be gated and locked when not in use, similar to the special purpose Type C approach being provided to King County in this vicinity.

WSDOT Response to Counterproposal 14:
After the Limited Access Hearing, WSDOT and the City of Seattle have agreed that a special approach is not needed at this location, and that the provisions of UT01474 will apply. This utility manhole will be located within the future sidewalk adjacent to the SR 99 northbound lanes. The northbound lanes expand from two lanes to three lanes at this location, so maintenance vehicles will have a convenient place to park without causing a significant traffic impact.

Counterproposal 15. Franchise/Permits for City utilities that must be within limited access
The Departments prefer that: (1) the boundaries of limited access be established so existing City utilities are aligned outside of designated limited access, and (2) program-related, new and relocated utilities be designed so that they are aligned outside of designated limited access. However, the Departments are aware of existing and proposed utilities that must be within SR 99 limited access because WSDOT cannot accommodate these preferences.
Departments' Counterproposal: Add the following note to each sheet of the final right-of-plans:
"SPU and SCL utilities are allowed within Limited Access through a franchise/utility permit in the form established in Exhibit B - Franchise/Utility Permit Conditions for Utility Facilities located within Limited Access areas designated for the AWVSRP - SCL and SPU of pending agreements UT01474 and UT01476 as attached to City of Seattle Council Resolution 31235."

WSDOT Response to Counterproposal 15:
A note has been added and will be shown on the Findings and Order right-of-way plan sheets.

Counterproposal 16. Limited access along the SR 99 frontages of Parcels 1-23347, 1-23348 and 1-23349
WSDOT and the City agree that the limited access boundary along SR 99 should be offset westward from the frontages of Parcels 1-23347, 1-23348 and 1-23349 in order to operate and maintain a sidewalk, existing City utilities, and utility service connections outside of the limited access designation. The Access Hearing Plans seem to reflect this offset with an offset dimension of 10 feet.
Departments' Counterproposals:
16A. Increase the offset dimension from 10 feet to 16 feet to provide adequate access for maintenance, repair and replacement of City utilities, utility service connections and the sidewalk pavement.
16B. Add a clarifying notation and leader on Sheet 2 of 5 of the SR 99 Thomas St. to Comstock *St.* final right-of-way plans indicating that the area between the limited access line and the above referenced parcels is "FOR CERTIFICATION TO THE CITY" similar to the block of existing SR 99 (Aurora Street) situated south of this location.

WSDOT Response to Counterproposal 16:
WSDOT will work with the City of Seattle to refine the location of this limited access boundary following the findings and order process and as the design progresses to ensure it appropriately meets the needs of all agencies involved. A note will be added reflecting that the sidewalk fronting these three parcels will be "FOR CERTIFICATION TO THE CITY".

Counterproposal 17. Modified Control for Parcels 1-22309 and 1-23347
The Access Notes on the Access Hearing Plan indicate modified control, limited access on the Harrison Street frontages of Parcels 1-22309 and 1-23347, and state that access to each parcel is permitted until each parcel redevelops.
SDOT Counterproposal: Revise the plan by removing the condition that modified access terminates once these parcels redevelop. In the case of Parcel 1-22309, site access should remain on Harrison Street, with the right-turn-in and right-turn -out restriction, without termination when the site redevelops given that the majority of traffic to and from the SR 99 on and off ramps at the intersection of Aurora Avenue North and Harrison Street will be carried on Aurora, not Harrison. In the case of Parcel 1-23347, this site would have access only from the City alley to the east if access to Harrison Street were terminated upon redevelopment. Current City codes and policies indicate that minimum design requirements must be met when alleys are used for a site's sale access. WSDOT needs to address the apparent encumbrance being placed on these parcels if access will be limited to alley access. For example, do the existing alley right-of-way dimensions support application of these minimum design requirements for the entire length of the alley including along other properties fronting these alleys?

WSDOT Response to Counterproposal 17:
To clarify, modified access control does not terminate when the parcels redevelop. Access rights will be purchased by WSDOT to restrict vehicle access to a 50 foot wide Type D approach after redevelopment of the parcel. This does not preclude the City from implementing City codes and standards for access as a condition of redevelopment.

The note states that "CURRENT" access approach for use by traffic for parking is allowed until redevelopment of parcel for parcel 1-22309. This means that when redevelopment is undertaken, the practice of continuous parking along the frontage of 1-22309 will no longer be allowed. Right turn in and right turn out access will be allowed from Harrison Street for both of these parcels within the limits shown on the plan.

Counterproposal 18. Endorsement of the limited access configuration on 6th Avenue North
WSDOT prepared the *SR 99 North Access Utility Relocation* plans, dated November 1, 2010, attached as Exhibit E. These plans demonstrate that essential City utilities can be relocated within the portion of 6th Avenue North between Harrison and Thomas Streets that is not being designated as limited access. The Departments' acceptance of the proposed limited access configuration on 6th Avenue is contingent on the successful implementation of this plan. The Departments also request that WSDOT not designate additional portions of 6th Avenue between Harrison and Thomas Streets as limited access.

WSDOT Response to Counterproposal 18:
As a result of the Bored Tunnel Design Build Proposal, additional portions of 6th Avenue will be needed for the Tunnel Operations Building and related facilities. WSDOT will work closely with SDOT, SCL and SPU to accommodate utilities in this area.

Counterproposal 19. Underground utility casings for utilities crossing limited access
SPU desires to minimize disruption to traffic flow on the limited Access Facility resulting from SPU utility maintenance, repair, and replacement. This can best be done when utilities are installed in straight casings with access area at both ends of the casing so that SPU may remove and replace utilities without disrupting SR 99 traffic flow or needing additional permits from the State.
SPU Counterproposal: SPU requests that new SPU utilities installed within the Limited Access Facility be installed in straight casings with space at either end so that SPU may remove and replace the utility without disrupting SR 99 traffic flow, or requiring an additional permit from the State.

WSDOT Response to Counterproposal 19:
Thank you for your comment. However, this issue is not relevant to the issue of limited access, and the boundaries associated with this access. It is an issue governed by agreements already negotiated between

WSDOT and SPU. Please refer to those agreements (GCA 6486, UT01476 and UT01474) for the terms and conditions associated with this utility.

Counterproposal 20. Changes to the limited access designation due to changes in tunnel design
To date, WSDOT has not provided its design-build contractor for the Proposed Bore Tunnel Project a notice to proceed with final design of the tunnel. The Departments are concerned about how WSDOT intends to address changes to its limited access proposal should the design build contractor's design of the tunnel facility differ from the preliminary design WSDOT produced and used to develop the SR 99 Access Report and Access Hearing Plans. We propose that the City of Seattle and abutting property owners be given the opportunity to review and comment on any revisions to the extents of limited access as delineated in the Access Hearing Plans.

WSDOT Response to Counterproposal 20:
Since the time we received your comments, WSDOT did contract with the Design Builder for the bored tunnel. The plans have been reviewed, and changes have been noted on the final plans attached to the Findings and Order. No other changes are expected that would exceed the thresholds requiring additional review as provided in RCW 47.52.145.

6. SPECIFIC RESPONSES – NON-ACCESS RELATED

A. **Seattle Pacific Hotel**, 325 Aurora Avenue NE, represented by Nisha Nariya. WSDOT response to verbal comment given during the Access Hearing:

1. So currently with the project and the closure of Broad Street, we've already lost a lot of business and there's been like a decline in revenue because of that. And so we'd like to request that some sort of stop light to be implemented on Aurora to turn left either on Harrison Street or Thomas Street from northbound Aurora.

WSDOT Response:
This comment is not related to the establishment of Limited Access Control, but WSDOT's responses to comment follow:

A signal on Aurora, allowing left turns onto Harrison will not be feasible. Harrison Street, west of the alley, will be closed for SR 99 construction for a long duration; therefore, the signal would not serve many drivers during construction. Long traffic delays would impact the operations of SR 99 and could result in more collisions.

A signal on Aurora, allowing left turns onto Thomas, also will not be feasible. During peak times a signal would result in traffic queues in excess of 800 feet in the northbound direction. This would back traffic up into the Battery Street tunnel. The curve at the north end of the Battery Street tunnel does not meet current horizontal stopping sight distance guidelines. This could result in increased rear-end collisions at that location. In addition, a signal at this location would require left turn lanes, which are not feasible due to insufficient width of the SR 99 right-of-way due to the on and off-ramps to and from Denny Way.

B. **Ms. Sharon Coleman**, parcel 1-23350. WSDOT response to verbal comment given during the Access Hearing, pp 39-42:

1. So, in essence, now we have a one-way alley that's a dead end, which is problematic…do you think there will be a compensation process for these properties?...when would the compensation offer process happen?

WSDOT response:
Access through the alley parallel to and just east of SR 99 between Republican Street and Dexter Avenue will be maintained continuously throughout reconstruction of SR 99 and Mercer Street and will remain after construction is complete. The north terminus of the alley will change to connect to Dexter Avenue. The alley will change to one way northbound operations. WSDOT is planning to acquire approximately 200 square feet from parcel 1-23352 as shown in Exhibit 6, to accommodate truck movements through the alley. The acquisition process for this parcel is expected to take place in 2012.

7. PROPOSED LIMITED ACCESS PLAN MODIFICATIONS

The Assistant Secretary – Engineering and Regional Operations has considered the evidence on the entire portion of the above entitled plans and finds that the plans as admitted into evidence, marked Exhibit No. 5, should be modified as hereinafter set forth:

1. Revise plan sheets 1, 3 and 4 of 5 of the SR 99 South Atlantic St. to South King St. plan set to relocate the S-NBON, S-SBOFF, S NBOFF and NB99 alignments westward, and revise the right-of-way and

limited access boundary westward from Sta. 181+79.13 Rt. to Sta. 191+75.13 Rt. as recommended by the Department.

2. Revise plan sheets 2 and 3 of 5 of the SR 99 South Atlantic St. to South King St. plan set to revise the limited access boundaries at East Frontage Road and Royal Brougham Way, as recommended by the Department.

3. Revise plan sheet 2 of 9 of the SR 99 S. King St. to Thomas St. plan to revise the subsurface upper right-of-way and limited access boundary upward from Sta. 600+00 to 603+60, as recommended by the Department.

4. Remove temporary construction easement designations from parcels 1-22302, 1-23277, 1-23278, 1-23281, 1-23282, 1-23283, 1-23284, 1-23285, 1-23324, 1-23335, 1-23336, and 1-23338 on sheets 3, 4, 6, 7, 8 and 9 of 9 sheets on the SR 99 S. King St. to Thomas St. plan, as recommended by the Department.

5. Revise sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to revise the right-of-way and limited access boundaries along the north side of 6th Avenue, as recommended by the Department.

6. Revise plan sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to relocate the right-of-way and limited access boundary between Sta. 688+20 Lt. and 689+10 Lt. as recommended by the Department.

7. Revise plan sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to make minor drafting plan corrections and minor changes to the access notes, as recommended by the Department.

8. Revise plan sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to add right-of-way acquisition to parcels 1-23349 and 1-23352 to accommodate realignment of the N-NBOFF Line as recommended by the Department.

9. Revise plan sheets 2 and 3 of 5 of the SR 99 Thomas St. to Comstock St. plan set to realign the 6TH Line to the east as requested by IRIS Holdings, LLC and as recommended by the Department.

10. Revise plan sheets 2 and 3 of 5 of the SR 99 Thomas St. to Comstock St. plan set to show right-of-way for the 6TH Line surface street to be acquired by the City of Seattle, as recommended by the Department.

8. ORDER

The Assistant Secretary for Engineering and Regional Operations specifically finds in the case of each abutting ownership that the adoption of the plans making said highway a limited access facility, said plans being attached hereto and marked Exhibit A, with the revisions as listed herein, are required for public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Assistant Secretary for Engineering and Regional Operations for the Department of Transportation of the State of Washington,

ORDERS:

A.

That the section of State Route 99 in King County, Washington is hereby designated as a limited access highway of the Full and Modified control type:

Between SR 99 right-of-way centerline station 174+87.84 to 700+79.83; as shown on:

- Sheets 1 through 5 of the Access Hearing Plan entitled "SR 99, S. Atlantic St. to S. King St., King County, dated November 23, 2010"
- Sheets 1 through 9 of the Access Hearing Plan entitled "SR 99, S. King St. to Thomas St., King County, dated November 10, 2010"
- Sheets 1 through 5 of the right-of-way and limited Access Hearing Plan entitled "SR 99, Thomas St. to Comstock St., King County, dated November 10, 2010"

B.

That the plan set forth in Exhibit 5 for the establishment of access control of said highway be revised as follows, and as further shown on Exhibit A hereto attached and by this reference made a part hereof:

1. Revise plan sheets 1, 3 and 4 of 5 of the SR 99 South Atlantic St. to South King St. plan set to relocate the S-NBON, S-SBOFF, S NBOFF and NB99 alignments westward, and revise the right-of-way and limited access boundary westward from Sta. 181+79.13 Rt. to Sta. 191+75.13 Rt. .

2. Revise plan sheets 2 and 3 of the SR 99 South Atlantic St. to South King St. plan set to revise the limited access boundaries at East Frontage Road and Royal Brougham Way.

3. Revise plan sheet 2 of 9 of the SR 99 S. King St. to Thomas St. plan set to revise the subsurface upper right-of-way and limited access boundary upward from Sta. 600+00 to 603+60.

4. Remove temporary construction easement designations from parcels 1-23277, 1-23278, 1-23281, 1-23282, 1-23283, 1-23284, 1-23285, 1-23302, 1-23324, 23335, 1-23336, and 1-23338 on sheets 3, 4, 6, 7, 8 and 9 of 9 sheets on the SR 99 S. King St. to Thomas St. plan set.
5. Revise sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to revise the right-of-way and limited access boundaries along the north side of 6th Avenue.

6. Revise plan sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to relocate the right-of-way and limited access boundary between Sta. 688+20 Lt. and 689+10 Lt.

7. Revise plan sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to make minor drafting plan corrections and minor changes to the access notes.

8. Revise plan sheet 2 of 5 of the SR 99 Thomas St. to Comstock St. plan set to add right-of-way acquisition to parcels 1-23349 and 1-23352 to accommodate realignment of the N-NBOFF Line.

9. Revise plan sheets 2 and 3 of 5 of the SR 99 Thomas St. to Comstock St. plan set to realign the 6TH Line to the east.

10. Revise plan sheets 2 and 3 of 5 of the SR 99 Thomas St. to Comstock St. plan set to show right-of-way for the 6TH Line surface street to be acquired by the City of Seattle.

C.

That the plans entitled

"SR 99, S. Atlantic St. to S. King St., King County," sheets 1 through 5;

"SR 99, S. King St. to Thomas St., King County," sheets 1 through 9; and

"SR 99, Thomas St. to Comstock St., King County," sheets 1 through 5,

as reflected in Exhibit A, are hereby adopted.

ADOPTED THIS 8th DAY OF August, 2011

ASSISTANT SECRETARY
OF ENGINEERING AND REGIONAL OPERATIONS

J.C. Lenzi

J.C. LENZI, CHIEF ENGINEER

APPROVED AS TO FORM:

Ann E. Salay

ASSISTANT ATTORNEY GENERAL