

ATTACHMENT D
East Link Final EIS
Comments and Response

Letter ELFEIS001

Ali Henning

Page 1

Borbe, Elma

ELFEIS001

From: John.Witmer@dot.gov
Sent: Wednesday, July 13, 2011 3:42 PM
To: Borbe, Elma; Hale, Kent
Subject: E Link FVW Traffic Concerns for 108th Ave SE

From: Ali Henning [mailto:ali.henning@comcast.net]
Sent: Wednesday, July 13, 2011 2:42 PM
To: boardadministration@soundtransit.org; council@bellevuewa.gov; Witmer, John (FTA)
Subject: Traffic Concerns for 108th Ave SE

Dear Sound Transit Board Members,

I am writing to you because I am extremely concerned about the increase in traffic through the Enatai neighborhood should Sound Transit build on Bellevue Way SE.

I read through the comments section (in particular CC3q page 7-27) and the response to concerned neighbors about cut-thru traffic was "There is not an expectation of a substantial increase in traffic on 108th Avenue SE along the walk route for Enatai Elementary with the project."

In addition, the FEIS states in Section 3.6.4.2 page 3-91 "The potential for traffic to cut through the Enatai neighborhood and travel along 108th Avenue SE to bypass the construction zone along Bellevue Way SE during the afternoon peak would be low because cut-through routes in this area are limited and circuitous."

As an Enatai homeowner, we observe daily cut thru traffic on 108th Ave SE without construction delays. We live off 110th Ave. SE and nightly *approx 10-20 cars attempt to use our street as a cut-through to Bellevue Way only to find SE 27th PL is a dead end.* That being said, on the upwards of 100 cars per week attempt to cut through our street! This number does not include the hundreds that actually know which way to go!

Where will all those cars go during construction? How will you prevent cars from cutting through? What are you planning on doing about it?

The City of Bellevue is investing a lot of money to widen 108th Ave SE and add sidewalks and bike paths right along the Enatai Elementary School route. As a parent of children who will use that sidewalk daily on their way to school I am concerned that this will not only increase the speed of the cars travelling along that route, but it will also increase the quantity of cars.

Thank you for listening to my concerns – answers to my questions would be greatly appreciated.

Sincerely,
Ali Henning

Response to comment ELFEIS001-1

As stated on page 3-91 of the Final EIS, civil construction activities are expected to likely close one northbound lane along Bellevue Way SE. Cut-through traffic on 108th Avenue SE is most likely to occur with southbound traffic during afternoon peak periods. Therefore, construction that closes the northbound lane is not expected to cause further use of 108th Avenue SE in the southbound direction. Lane closures would also be managed to minimize vehicle delays, where practical, during high congestion periods. Regardless, motorist information and advanced signing would be provided so drivers use routes such as I-405.

As stated on page 3-102 of the Final EIS, detailed construction mitigation plans, including traffic management plans, will be developed during the final design and permitting phases of the project. These will include specific detour and signing plans developed in coordination with local and state agencies.

Letter ELFEIS002

Liz Baxter

Page 1

Borbe, Elma

ELFEIS002

From: John Witmer@dot.gov
Sent: Wednesday, July 13, 2011 2:00 PM
To: Ha'c, Kent, Borbe, Elma
Subject: F-Link FW: Traffic Mitigation

From: Liz Baxter [mailto:baxterliz@hotmail.com]
Sent: Wednesday, July 13, 2011 12:21 PM
To: boardadministration@soundtransit.org; council@bellevuewa.gov; Witmer, John (FTA)
Subject: Traffic Mitigation

Dear Sound Transit Board Members,

Can you direct me in the Final EIS as to how exactly you are going to mitigate traffic on the Eastlink project, specifically through South Bellevue? It seems that there is no plan for mitigation right now.

I read through the comments section (in particular CC3q page 7-27) and the response to concerned neighbors about cut-thru traffic was "There is not an expectation of a substantial increase in traffic on 108th Avenue SE along the walk route for Enatai Elementary with the project."

In addition, the FEIS states in Section 3.6.4.2 page 3-91 "The potential for traffic to cut through the Enatai neighborhood and travel along 108th Avenue SE to bypass the construction zone along Bellevue Way SE during the afternoon peak would be low because cut-through routes in this area are limited and circuitous."

As an Enatai homeowner, we observe daily cut thru traffic on 104th Ave SE and 108th Ave SE without construction delays. I am not comforted by the fact that I don't see a specific plan that re-routes the estimated 30,000-40,000 cars during the peak times that will be impacted during construction. In fact, it seems the only answer is that the likelihood for cut-thru traffic is low and therefore doesn't require a plan or mitigation. Is this true?

ELFEIS002-1 Are you saying it's not going to happen, therefore you don't have to do anything about it? Then can you tell me where will all those cars go during construction?

If you are not going to plan for it in advance, then what steps are you going to take should this event occur during construction? How will you prevent it?

The City of Bellevue is investing around 7 million dollars (was the last figure I heard) to widen 108th Ave SE and add sidewalks and bike paths right along the Enatai Elementary School route. Many neighbors are concerned this will not only increase the speed of the cars travelling along that route (wider streets = faster cars), but it will also increase the quantity of cars. Additional concerns are that Sound Transit will piggyback off of this investment and will not use ST dollars to mitigate traffic, yet instead, once again, use Eastside dollars to solve their problem. How will you alleviate this concern?

Couldn't we further limit the potential for cut thru traffic in the Enatai neighborhood and add more roundabouts or speed bumps along 108th and 104th that will not only slow cars down but discourage cars from choosing this route during construction?

Any information you can provide that addresses these questions would be greatly appreciated.

Sincerely,

Response to comment ELFEIS002-1

As stated on page 3-91 of the Final EIS, civil construction activities are expected to likely close one northbound lane along Bellevue Way SE. Cut-through traffic on 108th Avenue SE is most likely to occur with southbound traffic during afternoon peak periods. Therefore, construction that closes the northbound lane is not expected to cause further use of 108th Avenue SE in the southbound direction. Lane closures would also be managed to minimize vehicle delays, where practical, during high congestion periods. Regardless, motorist information and advanced signing would be provided so drivers use routes such as I-405.

As stated on page 3-102 of the Final EIS, detailed construction mitigation plans, including traffic management plans, will be developed during the final design and permitting phases of the project. These will include specific detour and signing plans developed in coordination with local and state agencies.

Letter ELFEIS003

Marilyn Johnson

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ELFEIS003

Borbe, Elma

From: John Wiltmer@dot.gov
Sent: Wednesday, July 13, 2011 1:58 PM
To: Hale, Kent; Borbe, Elma
Subject: E Link comment FW: Traffic Mitigation

From: Marilyn Johnson [mailto:marilynj.007@gmail.com]
Sent: Wednesday, July 13, 2011 12:49 PM
To: Liz Baxter
Cc: boardadministration@soundtransit.org; council@bellevuewa.gov; Wiltmer, John (FTA)
Subject: Re: Traffic Mitigation

ELFEIS003-1 I agree with Liz that there needs to be additional focus on safety throughout this process. Both 108th and 104th are major walkways for children and families. Slowing the speed of cars can be done easily with speedbumps and/or roundabouts.

On Wed, Jul 13, 2011 at 12:20 PM, Liz Baxter <baxterliz@hotmail.com> wrote:
Dear Sound Transit Board Members.

Can you direct me in the Final EIS as to how exactly you are going to mitigate traffic on the Eastlink project, specifically through South Bellevue? It seems that there is no plan for mitigation right now.

I read through the comments section (in particular CC3q page 7-27) and the response to concerned neighbors about cut-thru traffic was "There is not an expectation of a substantial increase in traffic on 108th Avenue SE along the walk route for Enatai Elementary with the project."

In addition, the EIS states in Section 3.6.4.2 page 3-91 "The potential for traffic to cut through the Enatai neighborhood and travel along 108th Avenue SE to bypass the construction zone along Bellevue Way SE during the afternoon peak would be low because cut-through routes in this area are limited and circuitous."

As an Enatai homeowner, we observe daily cut thru traffic on 104th Ave SE and 108th Ave SE without construction delays. I am not comforted by the fact that I don't see a specific plan that re-routes the estimated 30,000-40,000 cars during the peak times that will be impacted during construction. In fact, it seems the only answer is that the likelihood for cut-thru traffic is low and therefore doesn't require a plan or mitigation. Is this true?

Are you saying it's not going to happen, therefore you don't have to do anything about it? Then can you tell me: where will all those cars go during construction?

If you are not going to plan for it in advance, then what steps are you going to take should this event occur during construction? How will you prevent it?

The City of Bellevue is investing around 7 million dollars (was the last figure I heard) to widen 108th Ave SE and add sidewalks and bike paths right along the Enatai Elementary School route. Many

Response to comment ELFEIS003-1

As stated on page 3-91 of the Final EIS, civil construction activities are expected to likely close one northbound lane along Bellevue Way SE. Cut-through traffic on 108th Avenue SE is most likely to occur with southbound traffic during afternoon peak periods. Therefore, construction that closes the northbound lane is not expected to cause further use of 108th Avenue SE in the southbound direction. Lane closures would also be managed to minimize vehicle delays, where practical, during high congestion periods. Regardless, motorist information and advanced signing would be provided so drivers use routes such as I-405.

As stated on page 3-102 of the Final EIS, detailed construction mitigation plans, including traffic management plans, will be developed during the final design and permitting phases of the project. These will include specific detour and signing plans developed in coordination with local and state agencies.

neighbors are concerned this will not only increase the speed of the cars travelling along that route (wider streets = faster cars), but it will also increase the quantity of cars. Additional concerns are that Sound Transit will piggyback off of this investment and will not use ST dollars to mitigate traffic, yet instead, once again, use Eastside dollars to solve their problem. How will you alleviate this concern?

Couldn't we further limit the potential for cut thru traffic in the Enatai neighborhood and add more roundabouts or speed bumps along 108th and 104th that will not only slow cars down but discourage cars from choosing this route during construction?

Any information you can provide that addresses these questions would be greatly appreciated.

Sincerely,
Liz Baxter

No comments

- n/a -

ELFEIS004

Mannetti, Emily

From: HWKATZ@aol.com
 Sent: Monday, July 18, 2011 1:23 AM
 To: Kucienba, Katie
 Cc: connie.adams@comcast.net; copejv@msn.com; lakebellevue@comcast.net; samgillef@comcast.net; egiann@yahoo.com; hstreams@hotmail.com; brettlieber@yahoo.com;mlink@michaeljlink.com; norm@mccuemmanagement.com; Brucewsales@gmail.com; Geoffrey.Wright@mccuemmanagement.com
 Subject: Re: Response to East Link Comment

Katie,

First I want to thank you for finding the sound study response, since I neglected in my email to give Sound transit my street address. Your communication efforts and genuine caring about our community have been outstanding.

I am however, disturbed by the reply I copied below to this email, that I assume came from the sound engineers. How does our community respond to this?

5004-1 The sound study was done only in front of unit 7 112 which is above the lake on pilings. On either side of building 7 is lake water. Our experience with our lake water is that sound travels along water and is also amplified by the water. In addition there was no sound study done for the units in building 6 where most of the units are directly parallel to the BNSF tracks

The study did not take into account that sound will travel under the building and on either side of the building conducted and amplified by lake water, so the comment "As far as the homes located fartheraway from the alignment, those homes would be shielded from the alignment by the frontline homes, and only a minimal amount of noise would carry to the homes located farther away from the alignment." **is not valid.**

5004-2 In addition the residents of Lake Bellevue have all been able to hear the noise from the former dinner train traveling the BNSF tracks twice a night from as far away as building 4, the building the furthest from where the sound study was conducted at building 7 and the sound from the dinner train was heard from the Crabpot restaurant directly across the lake from building 7.

5004-3 There was no attempt for this specific sound study to obtain testimony from the residents of Lake Bellevue Village as far as the affects of the dinner train, the affects of hospital responder sirens, and how the lake water amplifies and transmits sound. All the buildings around the lake are built on pilings, sound travels to the lake under, above and by the sides of the building to the lake water as residents who have lived here know.

5004-4 The study is not valid because it was not also done in the middle of the lake, nor was it done on an elevated level above Whole Foods where the Hospital Station will be. At the station will be bells announcing the arrival of trains every 9 minutes and the screeching as the trains grind to a halt.

5004-5 In addition I question the effectiveness of the sound wall itself. There was a sound wall put up along Redmond Way along Archstone Apartments when it was expanded from 2 lanes to 4 lanes. The cars now travel faster and the result is the sound is now at a higher level despite the sound wall. You can do a sound study there to measure if that sound wall mitigates the sound at acceptable levels.

5004-6 As I said, the response does not take into account the lake water, both amplifying the sound and transmitting it, nor does it take into account Sturdivant Stream that runs along the side of the BNSF RR which will be under the elevated tracks and the Hospital Station. This lake is a protected area, there is no mention how the sound and elevated wires will affect the wildlife on this lake.

Response to comment ELFEIS004-1

As discussed in Appendix H2 of the Final EIS, the noise analysis for the East Link Project was conducted for all first and second-line units along the east side of the track-way at Lake Bellevue Village, with predicted light rail noise levels of 64 to 65 dBA Ldn. Noise monitoring to determine existing noise levels is conducted at one site to represent a cluster of residential properties. This was performed at Unit 7 112, because it is one of the nearest units to the proposed alignment and has a direct line-of-sight to the alignment.

Water does not amplify sound and sound does not attenuate as fast over water as it would over other natural surfaces, such as grass or a forested area. In the noise analysis, the water was assumed to attenuate noise like a hard surface, like pavement, which has the same ground affect noise reduction characteristics. The comment that the second line homes would be shielded from the alignment is true; the shielding from the first-line buildings would reduce noise levels at units located farther from the alignment. While some noise could go under or around the buildings, the first-line buildings would still have the highest noise levels from light rail operations.

Response to comment ELFEIS004-2

The noise from a diesel electric locomotive (heavy rail) is different than noise from electric light rail systems and cannot be directly compared. East Link light rail would not operate with combustion engines, and the noise from light rail operations is much lower than heavy rail.

Response to comment ELFEIS004-3

Please see responses to comments ELFEIS004-1 and ELFEIS004-2 above.

Response to comment ELFEIS004-4

Noise studies are performed to predict noise exposure at residential or other properties with noise sensitive uses; no noise analysis is required for the middle of the lake. Noise from station bells at the Hospital Station was included in the noise analysis, as discussed in Section 4.7 and

Appendix H2 to the Final EIS. Light rail vehicles do not “screech” at the stations, instead noise from the vehicles decrease as they gradually slow to a stop.

Response to comment ELFEIS004-5

Typical traffic sound walls are not comparable to the type of sound walls proposed for the East Link Project. East Link would be on a fixed guideway, with regulated speeds, and the vast majority of noise is from the wheel rail interface, which is effectively reduced with sound walls on the guideway.

Response to comment ELFEIS004-6

Please see responses to comments ELFEIS004-1. Please see the Ecosystems Technical Report, included as Appendix H3 to the Final EIS, which discusses potential noise effects on wildlife.

As discussed in Section 4.7 and Appendix H2 of the Final EIS, new reference noise levels based on current light rail operations (in Tukwila and elsewhere) were used in the East Link Final EIS noise analysis. The measured noise levels of Sound Transit vehicles used in this and all other studies were taken last year along the existing track-way in Seattle.

Since opening the light rail, Sound Transit has effectively reduced noise levels in Tukwila to below FTA criteria. The East Link Final EIS has identified noise impacts at the Lake Bellevue condominiums, and Sound Transit is committed to providing noise mitigation to insure noise levels are below the FTA noise impact criteria. Mitigation for the Preferred Alternative is included in Appendix I of the Final EIS. Performing noise analysis for other units that are farther from the alignment would not change the results or the proposed noise mitigation measures.

4008 0

Finally we know from the residents of Tukwila that Sound Transit did not get it right in that study. Are there protected lake areas along the current Sound Transit lines with residences built on pilings over the water? And if there are has Sound transit been able to mitigate the noise?

Howard Katz

Response to Comment ELS473-1

"The noise readings in this area were taken at a location that represent all units facing toward the tracks along the west side of the community and were measured as far from the traffic noise on NE 12th Street as possible, in order to measure the quietest area in the community. Therefore, the noise readings are using the most stringent impact criteria. As far as the homes located farther away from the alignment, those homes would be shielded from the alignment by the frontline homes, and only a minimal amount of noise would carry to the homes located farther away from the alignment. Finally and most importantly, the proposed mitigation is a sound wall near and along the tracks, which would not only mitigate the impacts identified but also reduce noise at units not identified with an impact."

In a message dated 7/15/2011 3:08:38 P.M. Pacific Daylight Time, Katie.Kuciemba@soundtransit.org writes:

Hi Howard -

Per our conversation, I've attached the response to your email submitted during the Supplemental Draft Environmental Impact Statement. I will put a CD in the mail that will have all responded comments made during the Draft and the Supplemental Draft EIS (which is located on CD 2). Your response is numbered: ELS473.

Katie Kuciemba

Community Outreach Corridor Lead

Sound Transit

No comments

- n/a -

Letter ELFEIS005

Bill Hirt

Page 1

From: William.Hirt
To: Bill.Hirt@ptwa.com
Subject: Sound Transit East Link Problems
Date: Friday, August 15, 2011 5:02:18 PM

Dear PTA,

ELFEIS005-1 Sound Transit's East Link will be a disaster for the vast majority of eastside residents. I have included below three recent emails I have sent to Bellevue City Council protesting this project. They have all been ignored.
Bill Hirt
2615 170th St.
Bellevue, WA
98008
425-747-4185
wjhirt@yahoo.com

Bellevue City Council

Recent articles in local papers have criticized the majority council members for objecting to Sound Transit's preferred light rail route through Bellevue. The council proposal would apparently create a huge "hole" in Sound Transit funding.

ELFEIS005-2 Sound Transit needs to be reminded 40% of their funds come from the Eastside. The added costs of the council's preferred route in no way makes up for Sound Transit failure to meet obligations to spend that money on eastside transportation.

The Sound Transit financial "hole" is a direct result of their own incompetence. The Sounder train operating costs, along with the limited number of riders, are such that each commuter riding from Everett into Seattle costs Sound Transit more than \$45 and another \$45 for the return trip.

Their Central Link rail was originally projected to carry 110,000 riders daily by 2010. They had less than 25,000. The \$75 million dollars lost because of the missing riders is 50% more than the expected yearly revenue from \$20 tolls.

What is truly absurd is Sound Transit's proposal to speed up extending Central Link southward, eventually reaching Federal Way. The costs associated with constructing the extension along with the added equipment and operating costs to maintain service over the longer route will far exceed any potential revenue from additional riders.

Sound Transit incompetency soars to even greater heights with their East Link proposal. Central Link, for all its financial problems, has minimal effect on other traffic. East Link will actually increase congestion for the vast majority of cross-lake commuters by forcing all vehicular traffic onto the outer bridge sections.

ELFEIS005-3 Prior to Prop 1 vote, East Link was promoted as the equivalent of up to 10 highway lanes across the bridge. We later learn service will be limited to one train every nine minutes. Each train will be restricted to between two to four cars by either bridge structural concerns or station design.

Sound Transit compounds this capacity problem by restricting access for potential riders. Only

Response to comment ELFEIS005-1

Your comment has been noted. Please see responses to your comments below.

Response to comment ELFEIS005-2

Please refer to Section 2.6 of the FEIS for a description of project costs and funding, including a description of Sound Transit's policy for funding capital projects across the five subareas within its taxing district. This section also describes the projected revenue shortfall over the life of the voter approved ST2 program resulting from the recent economic recession. These constraints reiterate the need to maintain project costs within or under budget.

Response to comment ELFEIS005-3

The transportation analysis along I-90 is provided in Section 3.5 of the Final EIS. This analysis concludes that the project will increase overall person throughput on I-90 in both AM and PM peak periods and have similar or improved travel times for vehicles. By year 2030, it is assumed that East Link trains would operate every 7 minutes during peak periods. Refer to the East Link operating plan located in Appendix E for the light rail operating plan. Additionally, Section 3.5.3.3 provides information on the East Link project capacity, which is a different measure than the operating plan. Capacity is equivalent to seven to ten freeway lanes, based on average persons per vehicle data on I-90 provided by WSDOT. More than one park and ride is planned along the preferred alternative alignment. Park and Rides currently exist or are planned as part of this project at Mercer Island Station, South Bellevue Station, 130th Station, Overlake Village Station, Overlake Transit Center Station, and SE Redmond Station.

ELFEIS005-1

one P&R is planned along the route. Thus, East Link ridership, like Central Link, will fall far short of Sound Transits projected 50,000 daily riders by 2030.

ELFEIS005-4

In conclusion, the council should refuse to approve permits Sound Transit needs for East Link construction. This action would not only prevent them from devastating Bellevue, it would also stop their confiscation of the bridge center section and avoid the resulting increased cross-lake congestion.

A small part of the \$5.6 billion saved could be used to convert the bridge center section to two-way bus only lanes with ten times light rail capacity ten years ahead of light rail. The remaining funds could be used to eliminate the need for 520 tolls and to improve 405.

Bill Hiri

Bellevue City Council
Sound Transit's Final Environmental Impact Statement (FEIS) perpetuates the farcical arguments from their earlier draft document.

They start out justifying light rail across I-90 bridge with the results of their "studies" from 1960 through 2003 which concluded:

ELFEIS005-5

Light rail is the selected ICT technology for the I-90 East Corridor connecting Seattle, Mercer Island, Bellevue, Overlake, and Redmond.

Yet during the more than 40 years of study they apparently never considered the "no-build" alternative of converting the bridge center section to two-way bus only lanes. The only bus option they studied was adding an HOV lane to the outer bridge and maintaining "peak direction" only for both HOV lanes on the center section. They then claimed the resulting cross-lake bridge capacity wouldn't meet future requirements and recommended light rail. Any competent consultant could have told them each bus only lane could accommodate up to 720 buses per hour (5 second intervals) with 10-20 times light rail capacity.

ST continues to insist that light rail is the equivalent of "between 7 to 10 freeway lanes of traffic" and can provide rides to "18,000 to 24,000 people per hour", "more than doubling person-moving capacity across Lake Washington on I-90". They presume up to 800 people in 4-car trains running every 7 minutes. This calculates out at 6857 riders in each direction leaving it unclear how the other 4300-10,300 riders cross the lake.

ELFEIS005-6

ST assumptions of 800 per train ridership and 7 minute intervals between trains are both "questionable". The 800 riders per train assume more than 500 are willing to stand (each car has only 74 seats). The 4 cars per train assume the bridge expansion joints can withstand loads from four 70-ton light rail cars. Light rail trains have never been installed on a floating bridge and ST has yet to confirm whether its even feasible, 18 months after the DEIS promised to do so.

ELFEIS005-7

ST reduced the 9 minute intervals between trains in the DEIS to 7 minutes in the EIS to increase capacity. The 9- minute intervals reflected the need to require 4.5 minutes intervals to safely merge with the Central Link. Most subways maintain 4-minute intervals between trains running on the same tracks. The addition 30 seconds presumable accounted for the need to safely merge the two routes. It isn't clear how ST manages to safely merge two routes with 3.5-minute intervals.

ELFEIS005-8

ST claims East Link would "Substantially reduce travel time for most transit riders". They

Response to comment ELFEIS005-4

Your comment regarding permits has been noted. Please see Section 3.5 of the Final EIS for a description of highway operations and safety. The ST2 funding package, approved by voters in 2008, provides funding for light rail between downtown Seattle and Overlake. These funds cannot simply be transferred to other projects.

Response to comment ELFEIS005-5

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]. For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal

Register: February 14, 2007, Vol. 72, Number 30) and guidance found at:

<http://environment.fhwa.dot.gov/integ/related.asp>

The I-90 Two Way Transit and HOV Operations Environmental Impact Statement analyzed several options for allowing transit and HOV operations to occur in both directions across I-90, including converting the center roadway to transit and HOV only lanes (Alternative R-2B) and adding transit only shoulder lanes that would operate in the opposite direction of the reversible center roadway (Alternative R-5). Further information is available here:

<http://www.wsdot.wa.gov/projects/i90/twowaytransit/>.

Response to comment ELFEIS005-6

The capacity of East Link, which is between 18,000 and 24,000 people per hour, is based on a maximum LRT headway of 4 minutes and a person capacity per train car of 600 to 800 riders. This is different than the expected ridership in 2030. The assumption that East Link trains can operate with headways of up to 4 minutes is beyond the current planning horizon year 2030, which assumed a 7 minute headway. Four minute headways would occur when the system is at maximum operational capacity. Table 3-6 and Section 3.4.3 of the Final EIS provide information on passenger level of service, which would be the same or better with the East Link Project during the PM peak-hour commute.

As described in Chapter 2 of the FEIS, the Washington State Legislature Joint Transportation Committee commissioned an independent review team (IRT) to evaluate several design issues related to installing and operating light rail on the I-90 floating bridge, such as expansion joints, weight, stray currents, and bridge maintenance. At the time of the IRT's final report in 2008, the team concluded that all issues identified as potentially affecting feasibility can be addressed through project design measures, provided that the resolutions and recommendations included in that report are addressed. An IRT task force continues to advance work on design solutions to all the issues identified by the IRT and specific design measures will continue to be refined throughout the final design phase of the project. For example, Sound Transit will continue work on a track bridge prototype design and testing program, which will include construction and testing of a full scale track bridge prototype prior to installation on I-90 at the existing expansion joints.

Response to comment ELFEIS005-7

The merge near International District / Chinatown Station will be able to safely accommodate the two operating lines.

Response to comment ELFEIS005-8

Section 3.5.3.3 of the Final EIS includes the I-90 transportation analysis and vehicle travel time. Section 3.4.3.3 and Table 3-8 include the travel time savings for transit riders.

ELFEIS005-8 also claim other commuters will also benefit because "Although congestion would still occur on I-90 with the East Link Project, it would be shorter in duration and affect a smaller area as people shift to ride light rail".

Both claims are absurd. East Link doesn't have the capacity or the accessibility to carry more than a fraction of cross-lake commuters. Forcing all vehicular traffic onto the outer bridge will drastically increase congestion for buses and for all other vehicles the vast majority of cross-lake commuters use.

ELFEIS005-9 In conclusion, all the recent kerfuffle over which light rail route through Bellevue is like arguing about which side of the Titanic is safer. ST needs to be "persuaded" to cancel East Link. A small fraction of the \$5-6 billion saved could be used to initiate express bus service connecting each of the eastside P&R lots with Seattle via bus-only lanes on bridge center section. The remaining funds could be applied to the 520 rebuild and 405 improvements.

Bill Ibrt

Bellevue City Council

Sound Transit's recently released final Environmental Impact Statement makes the same absurd assertions as the draft version. It claims installing East Link on the bridge will be the equivalent of adding up to ten lanes of freeway. They plan to provide this capacity with four-car trains running every 7 minutes into and out of Seattle.

ELFEIS005-10 They assume each car, which has 74 seats, will carry up to 200 people. Thus each 4-car train can "theoretically" accommodate 800 riders. With 7 minutes between trains, 8 2/3 can cross the bridge in each direction for a total of slightly more than 17 trains per hour. Thus the maximum possible ridership across the bridge is 17 x 800 or 13,600, an answer they could have gotten from my 8-year old grand daughter. Yet, Sound Transit's EIS claims East Link can carry up to 24,000 riders per hour.

The reality is, for a whole host of reasons too numerous to detail tonight, the peak ridership will be less than half the 13,600 level. Thus, East Link will never carry more than a small fraction of cross-lake traffic forcing the vast majority of commuters onto the outer bridge sections in both directions. Yet, Sound Transit continues to make the absurd claim all the vehicles forced onto the outer bridge will actually encounter reduced congestion.

ELFEIS005-11 One of the more egregious examples of Sound Transits incompetency is the fact they've spent millions and years evaluating all sorts of light rail alternatives on the eastside without ever confirming they can use light rail on the I-90 bridge. No one has ever installed Light rail on a floating bridge. A major concern is the structural integrity of the expansion joint connections between the floating and fixed part of the bridge. These connections have already needed replacement on the current bridge.

Sound Transit's 2008 DEIS referred to some preliminary test results which concluded: "it is feasible to design a light rail track system" for the I-90 bridge. The Federal Highway Administration responded with a Feb. 25, 2009 letter containing the following statement: "We think there is additional work to be done to determine if it is feasible to design an expansion joint to accommodate light rail". Some 30 months later, that's 2 1/2 years even to Sound Transit, they still haven't confirmed feasibility.

ELFEIS005-12 Time limits prevent me from detailing at least another half-dozen examples of ST incompetency. I firmly believe if they had not been allowed to lie with impunity about East

Response to comment ELFEIS005-9

The ST2 funding package, approved by voters in 2008, provides funding for light rail between downtown Seattle and Overlake. These funds cannot simply be transferred to other projects.

Response to comment ELFEIS005-10

The transportation analysis along I-90 is provided in Section 3.5 of the Final EIS, and Section 3.5.3.3 provides additional information on the East Link project capacity, which is equivalent to seven to ten freeway lanes. The East Link capacity calculation assumes that East Link trains can operate with headways of up to 4 minutes, which is beyond the current planning horizon (2030) and is not used as part of the ridership forecast. Four minute headways would occur when the system is at maximum operational capacity. Because East Link will not be operating at capacity with 4 minute headways within the planning horizon of 2030, page 3-25 of the FEIS presents a ridership forecast of 50,000 riders per day based on operating with 7 minute headways for 2030.

This analysis concludes that the project would increase overall person throughput on I-90 in both AM and PM peak periods and have similar or improved travel times for vehicles. As stated in Section 3.5.3.3; "One of the key reasons the East Link project would transport more people across I-90 is because bidirectional light rail would be a more efficient use of the center roadway space than the current reversible, one-directional vehicles operations. The roadway's restricted access and egress also limit vehicle capacity and throughput."

Response to comment ELFEIS005-11

The technical issues associated with the I-90 floating bridge are discussed on pages 2-22 and 2-23 of the Final EIS. Please also see response to comment ELFEIS005-6 above for a discussion of the independent review team (IRT) findings and the status of resolving design issues identified by the IRT.

ELFEIS005-12

Link capability, voters would never have approved Prop 1 in 2008. As it is, they continue to perpetuate fabrication for a project whose only winners will be the huge construction companies who will make millions from the 8-10 billion required to complete light rail in 2021. Money that could be far better spent on the 520 bridge or 405 improvements. The losers will be major parts of Bellevue that can look forward to being devastated by light rail construction and operation, along with the vast majority of cross-lake commuters who will face increased congestion and eventual gridlock trying to get into and out of Seattle.

ELFEIS005-13

The only way to stop this debacle is for the Bellevue City Council to refuse to grant Sound Transit the permits they need for construction. I know some of you have dedicated a major part of your adult life toward making Bellevue a better place to live. I can't believe you would allow it to be devastated by light rail.

Bill Hirt

Response to comment ELFEIS005-12

Your comment has been noted. The ST2 funding package, approved by voters in 2008, provides funding for light rail between downtown Seattle and Overlake. These funds cannot simply be transferred to other projects.

Please see Section 3.5 of the Final EIS for a description of highway operations and safety which shows that the project would have either similar or improved vehicle travel times and increased person throughput across Lake Washington in both the AM and PM peak periods compared to the No Build Alternative.

Response to comment ELFEIS005-13

Your comment has been noted.

Letter ELFEIS006

Tricia Pratt

Page 1

ELFEIS006

Borbe, Elma

From: EL ELCP
Sent: Thursday, July 21, 2011 1:58 PM
To: Borbe, Elma
Subject: FW: B7 Alignment

For FTA.

From: Tricia Pratt [mailto:triciapr@msn.com]
Sent: Thursday, July 21, 2011 12:53 PM
To: EL ELCP
Subject: RE: B7 Alignment

Emily,

I have to agree with my husband's email he recently sent. Just because you say it is not expect to affect Enatai Elementary School walk route doesn't make it so. Having lived here for 10 plus years we've seen the change in traffic patterns in Enatai and more and more drivers are using the roads of Enatai to maneuver around Bellevue Way back-ups. There are days when these back-ups are horrendous already! When faced with the potential of sitting of Bellevue Way for an hour or cutting through Enatai the cut through routes are no longer "limited and circuitous". This statement is opinion based not fact based.

ELFEIS006-1

It is not just during School drop off and pick up times that are the concern. Soccer, basketball and baseball teams use Enatai fields and gym to practice many kids from the neighborhood walk or ride bikes to and from these practices. These practices start and end times are most often during peak traffic times (rush hours). You are endangering these children and creating more traffic by requiring their parents to drive them to and from practices to make them safe.

Your plan marginalizes our neighborhood. It just doesn't make sense. Make another choice that doesn't endanger children.

Sincerely,
Tricia Pratt

From: EL ELCP [mailto:EL_ELCP@soundtransit.org]
Sent: Thursday, July 21, 2011 10:36 AM
To: Jeff Pratt
Cc: Tricia Pratt
Subject: RE: B7 Alignment

Mr. Pratt,

Thank you again for your comments pertaining to the East Link project.

Many in your community have voiced similar concerns over possible traffic detouring near the Enatai Elementary School on 108th Avenue SE during construction. Given the comments we received, we took a look at potential traffic impacts to 108th Avenue SE during construction of light rail on Bellevue Way and 112th Avenue SE. In our Final Environmental Impact Statement (EIS), we reported:

Response to comment ELFEIS006-1

As stated on page 3-91 of the Final EIS, civil construction activities are expected to likely close one northbound lane along Bellevue Way SE. Cut-through traffic on 108th Avenue SE is most likely to occur with southbound traffic during afternoon peak periods. Therefore, construction that closes the northbound lane is not expected to cause further use of 108th Avenue SE in the southbound direction. Lane closures would also be managed to minimize vehicle delays, where practical, during high congestion periods. Regardless, motorist information and advanced signing would be provided so drivers use routes such as I-405.

As stated on page 3-102 of the Final EIS, detailed construction mitigation plans, including traffic management plans, will be developed during the final design and permitting phases of the project. These will include specific detour and signing plans developed in coordination with local and state agencies.

"The potential for traffic to cut through the Enatai neighborhood and travel along 108th Avenue SE to bypass the construction zone along Bellevue Way SE during the afternoon peak would be low because cut-through routes in this area are limited and circuitous." This may be found in Chapter 3 on page 91 of the Final EIS. All Final EIS documents are available on our website here: www.soundtransit.org/eastlink

Additionally, on page 108 of Chapter 3, it states "East Link is not expected to affect the Enatai Elementary School walk route."

I appreciate your concerns regarding potential traffic on 108th and the impact that could have the elementary school. We will continue to work with the community as we move into final design and construction to address these and any other concerns or comments you may have.

Regards,
Emily

From: Jeff Pratt [<mailto:jeffpr@live.com>]
Sent: Friday, July 15, 2011 8:17 AM
To: Wirta, Mari
Cc: EL ELCP; Tricia Pratt
Subject: RE: B7 Alignment

Thank you.

30,000 cars running by an elementary school that hasn't had this type traffic for 40 or more years is a big problem. Hundreds of kids walk to and from the playground daily.

Jeff

From: mari.wirta@soundtransit.org
To: jeffpr@live.com
CC: EL ELCP@soundtransit.org
Date: Fri, 15 Jul 2011 08:15:01 -0700
Subject: RE: B7 Alignment

Greetings Mr. Pratt, thank you for your message regarding the East Link B-segment alignment. I will forward your comments to the Sound Transit Board.

Thank you.

Mari Wirta | Board Administration Specialist
Sound Transit | Union Station | 401 S Jackson Street | Seattle, WA 98104
mari.wirta@soundtransit.org | www.soundtransit.org

From: Jeff Pratt [<mailto:jeffpr@live.com>]
Sent: Thursday, July 14, 2011 9:48 PM
To: EL ELCP; *Board Administration; council@bellevuewa.gov; jon.witmer@dot.gov
Subject: B7 Alignment

please consider the B7 alignment

the current traffic plan will kill the enatai neighborhood. Kids play all over this neighborhood and the car traffic

No comments

- n/a -

will be too dangerous

call me if you would like to discuss

Jeff Pratt

425 945 1023

No comments

- n/a -

Letter ELFEIS007

Eastside Heritage Center

Page 1



August 12, 2011

R.F. Krochalis
Regional Administrator
Federal Transit Administration
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Dear Mr. Krochalis:

Eastside Heritage Center (EHC) would like to take this opportunity to provide official comments regarding the Draft Memorandum of Agreement implementing Section 106 of the National Historic Preservation Act for the East Link Light Rail Transit Project in the State of Washington.

EHC is committed to preserving the past, building community and connecting people with their heritage. We maintain and preserve a collection of over 30,000 artifacts, photographs and archival material about the history of the Eastside of Lake Washington, and we are the primary guardian and steward of Bellevue's history.

Our principal goal, as it relates to East Link, is the preservation of the E.W. Winters House. Eastside Heritage Center is the primary tenant of the Winters House and assists the City of Bellevue in interpreting this historically significant site.

The Winters House is Eastside Heritage Center's only public facility and primary location for serving the community. The facility serves as a heritage research center and exhibit space, houses EHC's archives and library, and is our public meeting space. EHC staff, volunteers, and members of the public access EHC's archives and library at the Winters House on a weekly basis. Additionally, as one of the few places on the Eastside that represents Bellevue's roots as an agricultural community, EHC frequently provides public and educational programming at this site.

Eastside Heritage Center would like to provide the following comments regarding the Draft MOA:

Eastside Heritage Center ("Tenant") Relocation

Section J, Winters House, Paragraph F: "Sound Transit will temporarily relocate the tenant..."

The facility to which EHC is relocated due to closure of the Winters House would need to provide similar exposure, parking, and public access, as well as appropriate archival storage and programming space, so that EHC can continue to fulfill its mission and serve the community. We would expect that any cost of moving our operations and archives from the Winters House to another facility during construction, as well as the move back following construction, will be borne by Sound Transit.

Eastside Heritage Center requests the addition of the following to the MOA:

Relocation will include all of Eastside Heritage Center's operations, services and public presence at the Winters House, including all of its archives and library.

P.O. Box 40535 · Bellevue, Washington 98015 · Phone: 425.450.1049 · Fax: 425.450.1050
www.EastsideHeritageCenter.org

Response to comment ELFEIS007-1

Temporary relocation of the Eastside Heritage Center (EHC) during construction is not considered an impact to a historic resource and therefore this level of detail is not considered necessary in the MOA. However, the MOA has been revised to include more specific provisions related to assistance with temporary relocation of EHC as well as reimbursement for allowable moving expenses once EHC moves back into the Winters House. Additional details regarding temporary relocation of the Eastside Heritage Center would be addressed during the final design and permitting stage of the project, consistent with Sound Transit's relocation process and assistance program and local, state, and federal guidelines as described in Sections 4.1.5 and 4.1.6 of the Final EIS.

- Minimum criteria for new space:
 - Shelf Capacity for 400 cubic feet of archives
 - Office space of no less than 210 square feet
 - Research & Library room space of no less than 300 square feet
 - Archival storage space of no less than 150 square feet
 - Exhibit & Display Space for no less than 30 cubic feet of materials
 - Public meeting room space of no less than 420 square feet
 - Overall square footage of no less than 1,100 square feet
 - Utilities costs included
 - Internet and Telephone service provided
 - Visibility
 - Public access
 - Minimum of 10 free parking spaces
- Since relocation is temporary, Sound Transit will also re-establish Eastside Heritage Center's operations at the Winters House post-construction.

ELFEIS007-1

Vibration and Settlement Monitoring
Section 1, Winters House, Paragraph B: "Sound Transit will install vibration and settlement monitoring devices before undertaking ground-disturbing construction..."

ELFEIS007-2

Given the proximity of the alignment to the Winters House, Eastside Heritage Center is also concerned about potential impacts to the historic structure post-construction, resulting from the mere existence of the trench so close to the foundation, as well as train operations. We would like to request ongoing vibration and settlement monitoring and reporting, no less than on an annual basis, for a minimum of 10 years after the train has been in operation, so as to properly assess longer-term impacts.

Access
 Eastside Heritage Center would like to see vehicle access to the front door of the house maintained (a single-car lane is acceptable for this purpose, as currently exists). The front door is the primary means of loading items in and out of the facility (archives, exhibits, artwork, furniture, etc.), as access to the upper levels of the house through the basement is extremely challenging and often not possible due to the narrow and steep internal stairwell.

ELFEIS007-3

Concurring Parties
 As the primary tenant of the Winters House, and as the City of Bellevue's partner in historic preservation and interpretation, Eastside Heritage Center requests inclusion as a "concurring party" to the Memorandum of Agreement.

ELFEIS007-4

We appreciate the opportunity to provide comment.

Sincerely,

Heather Treescases
 Executive Director

Cc (via Email): Adm Wimer, FTA
 Cameron Parker, Bellevue Parks & Community Services
 James Irish, Sound Transit
 Elina Bothe, Sound Transit
 Michael Houser, Department of Archaeology & Historic Preservation
 Michael Luis, Eastside Heritage Center

Response to comment ELFEIS007-2

As described in on Pages 4.7-30, 4.7-31, and 4.16-3 of the Final EIS, no operational period vibration impacts are anticipated at the Winters House and therefore monitoring is not warranted. However, the MOA has been revised to include a provision that Sound Transit will conduct and assess vibration and ground borne noise measurements within one year of operations. Regarding the concern about potential damages to the structure, the City of Bellevue is the owner of the building and the repair of any unforeseen building damage would be coordinated with the City. Sound Transit has a program and process in place to address claims. Sound Transit is a self insured agency, with liability coverage sufficient to cover the costs of any unforeseen damage that could occur at the Winters House. Sound Transit also has an established claims process that allows for any person or entity to submit a claim once the project is operating if that person or entity believes the project has caused physical damage to their property.

Response to comment ELFEIS007-3

Vehicular access has not been included at the front of the Winters House because structurally the design of the lid cannot support both the weight of vehicles in addition to the weight of the landscaping. Sound Transit will continue to coordinate with the City of Bellevue on the design of ADA and other access improvements to the house during final design of the project.

Response to comment ELFEIS007-4

In response to this request, FTA has invited Eastside Heritage Center to sign the MOA as a concurring party.

Eastside Transportation Association

"Dedicated to improving our quality of life and environment by reducing congestion through increased mobility"
P.O. Box 50821
Bellevue, WA 98013

August 12, 2011

Mr. Rick Krochalis, Region X Administrator
Federal Transit Administration
Seattle, WA
rick.krochalis@dot.gov

RE: Sound Transit East Link EIS

Dear Mr. Krochalis,

The Eastside Transportation Association (ETA) is a private sector group whose membership is concerned with transportation for the areas east of I-5 in the Puget Sound region of western Washington. The area is home to major employers including Microsoft, The Boeing Company, Google, Expedia, Pacar, Symetra and many more in addition to five major hospitals and a combined population of the area exceeding that of the City of Seattle. ETA's membership includes concerned citizens, business representatives and transportation professionals. We support policies that encourage each mode of transportation to operate efficiently and economically to meet growing demands for both personal and freight travel.

The East Link project would connect to the existing light rail system in downtown Seattle and extend the system to Mercer Island, Bellevue, and Redmond. ETA has previously and confidently expressed concern about the cost, transportation impacts and poor projected performance of East Link. Review of the FEIS documents has intensified our concerns. Analysis of the FEIS shows a continuing Sound Transit pattern of misrepresentation apparently designed to mislead the public as to the potential impacts and benefits of East Link. These comments focus on the proposed taking of I-90's 2-lane center roadway for East Link light rail. There are national implications, setting a precedent of removing valuable roadway capacity for a poor performing rail concept. The comments are organized under two main headings:

- No alternatives were evaluated for Segment A.
No low-cost, transportation system management alternative was provided in the DEIS, SDEIS, nor in the FEIS.

1. NO ALTERNATIVES WERE EVALUATED FOR SEGMENT A.

Segment A is the portion of East Link on I-90 between I-5 at the west end and Bellevue Way on the east end. No alternative to the taking of the I-90 center, 2-lane roadway was

Response to comment ELFEIS008-1

The East Link Project would dedicate the I-90 center roadway for high capacity transit as stipulated in the 1976 Memorandum Agreement (as amended in 2004) among Seattle, Mercer Island, Bellevue, King County Metro, and WSDOT. At the same time, additional roadway capacity on I-90 will be provided by the I-90 Two-Way Transit and HOV Operations Project (also known as the R-8A Project). The additional roadway capacity from the R-8A Project is included in the East Link Final EIS No Build Alternative as described on pages 2-6 through 2-9 of the Final EIS. The R-8A Project is restriping I-90 and making other improvements to add new HOV lanes to the I-90 bridge in each direction of travel. The FHWA Record of Decision for the I-90 Two-Way Transit and HOV Project (September 2004) found that the Selected Alternative (Alternative R-8A) was chosen in part because it "would accommodate the ultimate configuration of I-90 (High Capacity Transit in the center lanes). Alternative R-8A adds directional HOV lanes on the outer roadways which would provide for reliable transit and HOV operations with the ultimate roadway configuration."

The environmental impacts from the use of the I-90 center roadway for the East Link Project are analyzed in the East Link Final EIS. The environmental impacts for the R-8A Project are analyzed in the 2004 Final EIS for the I-90 Two-Way Transit and HOV Operations Project.

As discussed in the Executive Summary of the East Link Final EIS (ES.10, Areas of Controversy and Issues to be Resolved), in 2009 a lawsuit was filed by Eastside Transportation Association and others challenging the State of Washington's constitutional authority to approve use of the I-90 floating bridge center roadway for light rail transit. Petitioners sought a writ of mandamus barring the governor or secretary of transportation from "taking any action" pertaining to the conversion of lanes of I-90 for purposes of light rail. In April 2011, the Washington State Supreme Court

ELFEIS008-1

ELFEIS008-2

ELFEIS008-2
 ELFEIS008-3
 ELFEIS008-4

provided. In addition to a "No Build" analysis, all branches of government are required to study, develop and describe appropriate alternatives to recommended courses of action. Surely there must be alternatives to taking the Center Roadway of a vital highway facility. Apparently none were ever considered except for a comparison of SR-520 and I-90, and this happened before the NEPA/SEA analysis.

The following items describe specific issues related to Segment A:

1.1. Constitutional Issue For The Center Roadway Of I-90 The 18th Amendment to the Washington State Constitution says, "All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes." Because highway user fees were used in construction of the center roadway, taking the center roadway for light rail (a non-highway purpose) would be a violation of the State Constitution.

Nine private citizens, including Kemper Freeman, and the Eastside Transportation Association filed a petition in the Supreme Court of Washington seeking a writ of mandamus barring respondent Governor Christine Gregoire from taking any action pursuant to the authorization in the state of Washington's biennial transportation budget for a valuation of the center lanes of Interstate 90 between Seattle and Bellevue pursuant to the Sound Transit 2 Regional Transit System Plan's proposal for the eventual conversion of these lanes to a light rail line. In April 2011, the Supreme Court concluded that a writ of mandamus would in any event be premature insofar as no transfer and conversion of the lanes has yet occurred. They did not say that such a taking was or was not constitutional, rather the Court sidestepped the issue.

The legal battle has now moved to Kittitas County Superior Court. The petitioners now include 12 private citizens and the Eastside Transportation Association. Speaking about choosing the Kittitas County Superior Court to place the suit, George Karjane and Phil Talmadge, counsel for the plaintiffs, said, "This is not a Puget Sound only issue. What happens in that seven mile stretch and over the bridge affects everyone in the state." Counsel explained that Interstate 90 serves as the gateway to Snoqualmie Pass and Puget Sound for all of Washington's agriculture and commerce. "We are asking Kittitas County Superior Court to hear our case because the County is the most central in the state and borders Interstate I-90 and linking eastern and western Washington."

1.2. Sound Transit Erroneously Claims Higher 2030 Person Throughput On I-90 With East Link. Sound Transit claims that "Overall, the East Link Project would increase total person throughput by 14 to 25 percent compared to the no-build

denied petitioners' request. Following the Supreme Court's decision, the petitioner filed a similar challenge in Kittitas County Superior Court. The Kittitas lawsuit is pending.

In FHWA's Interchange Justification Report approval letter of the East Link project (please see Appendix G of Appendix H1 [Transportation Technical Report]), FHWA determined that the project would not have adverse effects on operation of the national interstate system. FHWA determinations related to use of Interstate ROW for the East Link project are limited in scope to the East Link project. Use of Interstate ROW for any other transit, rail or other projects on any part of the Interstate system would require separate FHWA review and approval. Additionally, for the East Link project, it should be noted that HOV lanes will not be converted to light rail until the I-90 Two-Way Transit project adding additional HOV lanes has been completed. There will be no net loss of HOV lanes.

Response to comment ELFEIS008-2

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]). For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA

considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal Register: February 14, 2007, Vol. 72, Number 30) and guidance found at: <http://environment.fhwa.dot.gov/integ/related.asp>

Response to comment ELFEIS008-3

Your comment has been noted. Please see response to comment # ELFEIS008-1. Petitioners' constitutional challenge and request for a writ of mandamus was denied by the Washington Supreme Court in April 2011. The Kittitas lawsuit is pending.

Response to comment ELFEIS008-4

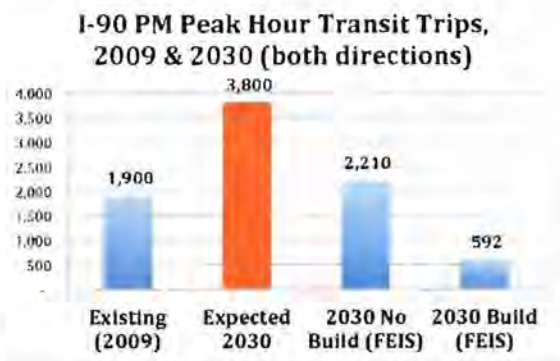
Appendix A of Appendix H1 of the Final EIS for the Transportation Methods and Assumptions Report provides information on how the East Link transportation analysis was prepared.

ELFEIS008-4

condition.”³ Table 3-7 on page 5-18 in the H1 Appendix to the FEIS shows the Sound Transit estimates of throughput with East Link. Sound Transit does not provide any of the assumptions in their estimates. (A public disclosure request has been submitted, but information has not been received). However, using information from the DEIS and other local travel data, we were able to “decode” the Table to uncover person trips by mode. Results are shown in the figure below.

Information prepared from PSRC data for the Regional Transit Task Force indicated a doubling of transit ridership on I-90 by 2030. Doubling the 2009 estimate of 1,900 peak hour transit trips results in an estimate of about 3,800 in 2030. These are shown as the left two bars in the figure below. The two bars on the right are the Sound Transit FEIS estimates for No Build and Build. It appears that Sound Transit has understated I-90 2030 transit trips for No Build and inflated Build. Why should the vastly more expensive light rail serve 168% more riders than No Build buses providing comparable trip times and fewer transfers?

ELFEIS008-5



Sound Transit’s 2030 No Build scenario projects I-90 transit at 10% of total persons trips. That is less than the existing 13%. For Build, 25% of persons are on transit. That is a 168% transit trip increase over No Build. By Sound Transit’s estimates for 2030, transit for the Build scenario would grow at an

ELFEIS008-6

³ See Table 3-2, p. 27/225 in Appendix H1 of the FEIS

Response to comment ELFEIS008-5

The information presented in the figure for 2030 Build and No Build Transit Trips does not come from the Final EIS. Based on the information provided in the comment, it is unclear how the No Build and Build Transit Trips depicted in this figure were determined. Sound Transit’s ridership estimates are determined from the Sound Transit ridership patronage model, which has been reviewed by the Federal Transit Administration and two State Expert Review Panels. This model incorporates residential and employment growth forecasts developed by the Puget Sound Regional Council, predicting that transit demand in the No-Build Alternative will double across Lake Washington by year 2030. With the East Link project, it is forecasted that transit ridership across Lake Washington would increase by about 25 percent from the No-Build Alternative. This is summarized in Section 3.1 and described in more detail in Sections 3.4 and 3.5 of the Final EIS.

Response to comment ELFEIS008-6

Table 3-2 in Appendix H1 of the Final EIS provides Screenline 2 (Lake Washington) person mode share information for both SR 520 and I-90 combined. Therefore it is not reasonable to compare that mode share data to mode share data for I-90 only. The percentages you refer to are not consistent with the definition presented in the Final EIS for growth in transit mode share. Refer to Table 3-19 for the person mode share information for the No-Build and Build conditions for both I-90 and SR 520 crossings. Exhibit 5-6 in Appendix H1 provides mode share information on I-90 only.

ELFEIS00B-6

annual rate 8 times that for No Build. It appears that Sound Transit's East Link achieves a purported "higher person throughput" by grossly inflating transit ridership for Build and depressing No Build ridership. Boosting PM peak hour buses to 87 (both directions), instead of 51 make No Build serve the same number of persons as Build. Apparently, Sound Transit figures were contrived to support a conclusion they wish were true.

1.3. Sound Transit's Egregious Comparison Of Light Rail and Freeway Lanes.

Sound Transit claims that East Link "... would have a peak-hour capacity of up to 18,000 to 24,000 people per hour (equivalent to between 7 to 10 freeway lanes of traffic)..."¹ That is a lie, obviously intended to garner public support. It is not true and ST has been told that many times. In fact, it's a lie with national standing because light rail advocates all around the country use it. They develop this by comparing the theoretical crush capacity of light rail with actual results for freeways.

Light rail does not achieve those crush volumes – not even close. Comparison of actual light rail passenger volume with freeway person volume in 11 U.S. urbanized areas shows that freeway lanes are 5 times more productive than light rail, as measured by daily person miles of travel⁴. In peak commute hours, freeways are still 3 times as productive as light rail.

See the figure on the next page.

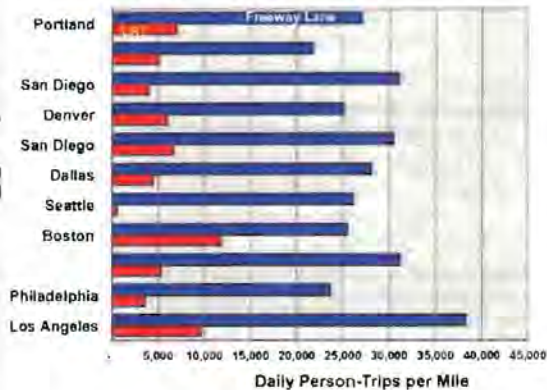
ELFEIS00B-7

Response to comment ELFEIS00B-7

East Link's capacity is estimated to be 18,000 to 24,000 people per hour. This is not considered a ridership forecast, but is an estimate of how many people could ride the East Link system. The East Link capacity calculation provides a high-level understanding of what this project could achieve but was not utilized in any of the transportation analysis documented in the East Link Final EIS. More appropriately, the ridership forecasts from Sound Transit's model, which predicts approximately 50,000 daily riders by year 2030, was used in the environmental analysis.

¹ Page ES-14, Executive Summary, East Link EIS
⁴ Based on 2009 National Transit Database and the Texas Transportation Institute's 2010 Urban Mobility Report (2009 data).

Reality: One Freeway Lane About 5 Times as Productive as LRT



ELFEIS008-7

ELFEIS008-8

ELFEIS008-9

1.4. **East Link Does Not Maintain The Same Number Of Traffic Lanes.** The FEIS claims "Truck freight companies will not lose capacity on I-90, because at completion of light rail the projects will maintain the same number of general purpose and HOV lanes that exist on I-90 today."⁵ There are 8 existing lanes (3 in each of the outer roadways and 2 in the center roadway). The I-90 Two-Way Transit and HOV Operations Project (R8A), which received a Record of Decision in 2004, will increase the lane count to 10 by restriping the outer roadways. By taking the center roadway, East Link will reduce the lane count to 8.

1.5. **Sound Transit Claims Higher Truck Volumes On I-90 With East Link.** Sound Transit claims "The East Link Project would have an overall slight beneficial impact on trucks traveling on I-90. As people choose to use light rail, the travel time of trucks during the morning peak hour are comparable and improve by an average of 5 minutes in the afternoon compared with the No Build Alternative."⁶ However, as shown below, WSDOT's 2006 center roadway study showed a reduction in truck volumes.

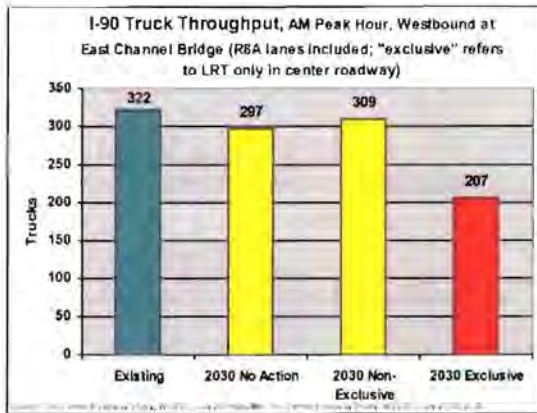
⁵ Source: Sound Transit's East Link Truck Mobility Fact Sheet, Winter 2009.
⁶ See p. 8-1, Chapter 8, FEIS Appendix H1.

Response to comment ELFEIS008-8

The statement cited is accurate as currently there are eight travel lanes on I-90 across Lake Washington; six of those lanes are designated for general-purpose use and two of those lanes are HOV designated. With East Link, there will be eight travel lanes; six of which will be designated for general-purpose traffic and two HOV lanes. As described in Section 2.3.1 of the Final EIS, one No Build Alternative scenario analyzed assumes completion of all stages of the I-90 Two-Way Transit and HOV Operations Project. While the I-90 Two-Way Transit and HOV Operations Project received a Record of Decision in 2004, those outer roadway HOV lanes on the I-90 bridge have not been constructed. They are expected to be operational before the center roadway is closed for East Link construction.

Response to comment ELFEIS008-9

While the 2006 WSDOT I-90 Center Roadway Study and the 2011 East Link Final EIS were conducted with appropriate transportation analysis methods, the two analyses use different modeling approaches. Refer to Appendix H of Appendix H1 of the East Link Final EIS for a description and overview of the recent I-90 Transportation Studies, including the differences in modeling parameters and assumptions used in the 2006 Center Roadway Study. The East Link Project assumed a set of reasonable assumptions and methodologies that were based on decisions and agreements since the Center Roadway Study was published. Some of these differences include: the East Link analysis assuming tolling on SR 520; utilizing the latest release of the Puget Sound Regional Council's regional travel demand model at the time of analysis; incorporating Sound Transit's ridership transit forecasts into the PSRC forecasts; and assuming a different usage in the I-90 HOV lanes. Additionally, the Center Roadway Study deferred some technical efforts that the East Link project conducted in greater detail. Therefore the East Link analysis better reflects the current understanding of future travel conditions along I-90 when compared to the 2006 Center Roadway Study. Further,



1.6. **The Approved Mission Of The Center Roadway.** From the 2004 Record of Decision: "Alternative R-8A will provide HOV lanes on the outer roadways. It will retain the existing reversible operations on the center roadway, with both lanes operating in the same direction, westbound in the AM and eastbound in the PM."

1.7. **Questionable Traffic Speed Improvements on I-90 with Light Rail.** Sound Transit claims improved general-purpose traffic speeds with light rail compared to No Build.⁷ First, this seems unreasonable with the required added vehicle traffic in the outer roadways operating with the narrower lanes and added weaving with the RBA two-way transit project. Second, this claim is in conflict with the I-90 Center Roadway report prepared by WSDOT in 2006. That study indicated a 13% increase in general-purpose travel times with the "exclusive" (light rail) use of the center roadway. Using the same model, Sound Transit claims the opposite: with light rail, general-purpose travel times decreased by 13%.⁸ Is this another case of forcing the models to produce Sound Transit's desired result?

⁷ See p. 3-48 and Table 3-23 in Chapter 3, FEIS, Appendix H1

⁸ See Table H-1 "History of I-90 Agreements and Studies", Appendix H of Appendix H1, East Link FEIS.

the Center Roadway Study confirmed the utility of the center roadway as an HCT facility with no center roadway access for vehicles. WSDOT is a co-lead for the East Link Final EIS, and the transportation analysis provided in the 2011 Final EIS was reviewed and approved by WSDOT.

Response to comment ELFEIS008-10

The I-90 Two-Way Transit and HOV Operations Project ROD relates to that specific project and not the future use of the center roadway after that project's completion. The quoted statement refers to a description of Alternative R-8A in the ROD. The 2004 FHWA ROD also states that basis for selecting Alternative R-8A is in part because that alternative "would accommodate the ultimate configuration of I-90 (High Capacity Transit in the center lanes). Alternative R-8A adds directional HOV lanes on the outer roadways which would provide for reliable transit and HOV operations with the ultimate roadway configuration."

Response to comment ELFEIS008-11

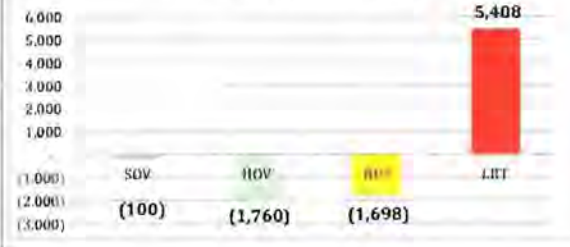
Please see response to comment #ELFEIS008-9 for the comparison between the 2006 Center Roadway Study and the 2011 East Link FEIS. The elements of the I-90 Two-Way Transit and HOV Operations Project, including the narrower shoulder and travel lanes and weaving sections, were evaluated in the Final EIS for that project, which can be found here: <http://projects.soundtransit.org/Projects-Home/Project-List/I-90-Two-Way-Transit-and-HOV-Operations-Stage-1/Final-EIS-for-Interstate-90-Two-Way-Transit-and-HOV-Operations-Project.xml>. The East Link Final EIS transportation analysis incorporates these project features as part of the baseline, or "No Build" transportation network for future year conditions (see Table 2-1 on page 2-8 of the East Link Final EIS).

2. NO LOW-COST, TRANSPORTATION SYSTEM MANAGEMENT ALTERNATIVE WAS PROVIDED IN THE DEIS, SDEIS, NOR IN THE FEIS.

In addition to No Build, all branches of government are required to study, develop and describe appropriate alternatives to recommended courses of action. The range of alternatives should be representative of the range of choices to permit intelligent comparative evaluation. In analysis of person throughput on I-90,⁹ there is no acknowledgement that a well-designed BRT system could far exceed the East Link capacity and do so in seated comfort, and while also providing for other high-occupancy vehicles in the center roadway. The FHWA process for permitting the access changes to I-90 required for light rail require a complete consideration of a TSM alternative. This would probably be defined as express buses using I-90 the way the lanes are configured now. Sound Transit eliminated TSM in 2005, before the FIS scoping for East Link began in 2006.

2.1. **Most East Link Riders Are Projected To Switch From Buses and High-Occupancy Vehicles (HOV).** Light rail advocates, including Sound Transit, sell the concept as attracting riders out of their cars. In fact, slightly less than 2% of the projected East link ridership would switch from single-occupant vehicles (SOV). By Sound Transit figures, 64% would switch from more efficient HOVs and buses. Only about 1,800 of projected 5,400 East Link riders would be new transit riders, and those may be mythical.

Changes in Persons by Mode, I-90, PM Peak Hour, 2030



⁹ See p. 3-42 of the FEIS, for example).

Response to comment ELFEIS008-12

Please refer to the response to comment ELFEIS008-2 for discussion of the planning history in the corridor, which considered and evaluated other transit modes on I-90; and FTA's consideration of this planning history as well as scoping comments received during the East Link scoping process prior to determining the final purpose and need for East Link.

Changes in access to the Interstate require an Interchange Justification Report (IJR) which must be reviewed and approved by FHWA. The IJR must be developed in accordance with the requirements of FHWA's Policy on Access to the Interstate System (published in the Federal Register on August 27, 2009). Policy Point 2 states: "The need being addressed by the request cannot be adequately satisfied by reasonable transportation system management (such as ramp metering, mass transit, and HOV facilities), geometric design, and alternative improvements to the Interstate without the proposed change(s) in access (23 CFR 625.2(a))". Per FHWA's policy, analysis needs to be provided that addresses the design, safety, and operational considerations of these alternatives. Please note, as reflected in Policy Point 2, FHWA's policy considers mass transit, such as light rail, to constitute reasonable transportation system management. FHWA determined that the IJR for this project provided adequate documentation in Policy Point 2 about how the Light Rail option was selected over other transit alternatives during the Sound Transit Long-Range Planning and ST2 development processes and that the IJR in Policy Point 3 contains sufficient analysis to show that East Link will not have an adverse operational or safety impact on I-90 by increasing person capacity and throughput across Lake Washington, having similar or improved vehicle travel times and reducing the number of accidents per person on I-90.

FHWA's review of the IJR resulted in confirmation that the report adequately addresses the requirements of the Policy on Added Access to the Interstate. FHWA issued a finding of engineering and operational

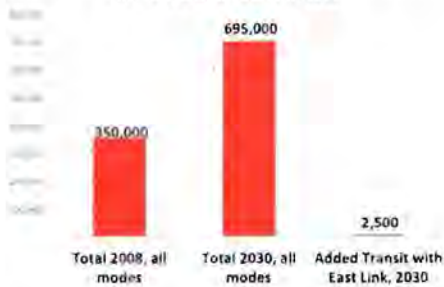
acceptability on June 22, 2011. The IJR will be approved upon completion of the NEPA process.

Response to comment ELFEIS008-13

The figures you present for ridership and mode shift do not come from the Final EIS. Based on the information provided in the comment, it is unclear how the numbers depicted in this figure were determined. Mode share information on both the I-90 and SR 520 crossings of Lake Washington is provided in Table 3-19 of Chapter 3 of the Final EIS. This table provides the shift in SOV, HOV and Transit modes with and without the East Link Project across Screenline 2 (Lake Washington). The East Link project is forecasted to have approximately 50,000 daily riders by year 2030 and about 10,000 will be new transit riders.

2.2 Sound Transit's Grossly Optimistic Assertion That "Light Rail Would Support Increased Density In Bellevue And Redmond... Consistent With Regional Land Use Plans..."¹⁰ Consider the example of downtown Bellevue. Travel demand is projected to grow at an average +3.2% per year from 2008 to 2030, reaching 695,000 daily person trips in 2030.¹¹ Sound Transit figures indicate that 2,500 daily transit trips would be added by the East Link project (most would be previous bus riders). That 0.4% contribution is so small as to be insignificant; East Link would serve only 1.5 months of growth. At a cost of \$7 billion or more (in 2007\$) for basically zero contribution to downtown needs, this East Link project will be a shameful waste.

East Link in Perspective: Daily Person-Trips In & out of Downtown Bellevue, 2030



During the 2030 PM peak hour, downtown Bellevue's roadway network could only serve about 78% of these trip demand, leaving an un-served gap of about 11,000 person trips. East Link could serve only about 3% of this gap. See the figure below.

¹⁰ Page 3-9, Chapter 3, East Link FEIS

¹¹ Source: BKR Documentation Report, City of Bellevue and Sound Transit, Feb 2010

Response to comment ELFEIS008-14

Please refer to Appendix F4.2 for how the East Link project is consistent with specific regional and local long-range plans within the study area. The Sound Transit figures you present (2,500 daily transit trips) do not come from the Final EIS. The source document you cite (BKR Documentation Report) was prepared by the City of Bellevue, not Sound Transit. The daily trips estimated in that report (350,000 in 2008 and 695,000 in 2030) represent all motorized trips for all motorized modes (transit, SOV, HOV) into, out of, and within downtown Bellevue. This report does not indicate what percentage of the 695,000 person trips are estimated for East Link or other transit modes, so it is not clear how you derived the 2,500 daily transit trips you show in this graph. As indicated in Section 3.4 of the Final EIS, East Link would carry up to 50,000 daily riders and up to 8,000 of those would be from Segment C (downtown Bellevue) stations.

Response to comment ELFEIS008-15

The figures for East Link trips in downtown Bellevue you present do not come from the Final EIS. It is unclear how the 350 East Link trips during the 2030 PM peak hour you reference were determined. As shown in Table 6-17 of the Transportation Technical Report (Appendix H1 to the FEIS), the estimated 2030 PM peak-period (3-hour) station ridership at the Bellevue Transit Center is over 6,000. This estimate includes pedestrian and bicyclist access as well as bus transfers at the transit center. An un-served demand into and out of Downtown Bellevue further highlights the need for light rail.

East Link's Trivial Contribution for Gap in Downtown Bellevue Person-Trips
2030 PM Peak Hour



2.3. Vanpools Could Outperform East Link. In 2003 there were about 1,300 vanpools in operation in King, Pierce and Snohomish Counties. In that same year, a Vanpool Market Action Plan, sponsored by WSDOT indicated market potential for almost 10,000 vanpools in the same 3 counties.¹² Only about 420 of these would be needed to carry the same number of riders as East Link in the PM peak hour (peak direction). Vanpools in this region are nearly self-supporting financially. Unlike the publically subsidized, huge capital costs and operating deficits of East Link, vanpools require little public subsidy.

¹² Puget Sound Vanpool Market Action Plan, WSDOT, July 2003

Response to comment ELFEIS008-16

Vanpools are an important transportation mode in the Puget Sound region and have a specific market they serve – usually coworkers or people who work in the same vicinity who volunteer to drive, fuel, clean and schedule maintenance and repair for the van (source WSDOT website <http://www.wsdot.wa.gov/Choices/rideshare.htm>). Light rail serves different markets by connecting employment and population centers with frequent reliable service. Vanpools do not meet the purpose for the East Link project, which is to expand the Sound Transit Link light rail system from Seattle to Mercer Island, Bellevue and Redmond via Interstate 90, as stated in Chapter 1 of the Final EIS. Please also refer to response to comment #ELFEIS008-2 for more information regarding the planning history which considered various transit modes in the East Corridor. Funds for construction of the East Link Project have already been approved by voters as part of ST2 in November 2008.

No comments

- n/a -

Thank you for the opportunity to comment.

Sincerely,



Richard Paylor, Chairman
Eastside Transportation Association



Dr. William R. Lager, Research Chairman
Eastside Transportation Association

Letter ELFEIS009

Phil Bloch

Page 1

No comments

- n/a -

From: Philip and Laura Bloch [<mailto:bloch1@comcast.net>]
Sent: Sunday, August 14, 2011 10:33 PM
To: john.witmer@dot.gov <john.witmer@dot.gov>
Cc: Hale, Kent
Subject: Sound Transit East Link FEIS

Mr. John Witmer and Mr. Kent Halé –

Thank you for the opportunity to review the Final EIS for the East Link Project. In reviewing the project documentation, I identified several apparent inaccuracies in the analysis or existing conditions that may influence the analyses. I have identified those in the attached MS Word document. I would encourage you to address these deficiencies in the project documentation prior to issuing a Record of Decision for this project. I would appreciate being apprised of any responses to these comments and please contact me directly if you would like any clarification.

Thank you,

Phil Bloch
10428 NE 28th Pl
Bellevue, WA 98004

Errors in East Link FEIS

Ecosystems (Appendix H3)

Streams/Lake Washington

ELFEIS009-1 List of Resident Fish is incomplete and reflects a failure to seek a current reference. The referenced source (Pfeifer and Bradbury 1992) fails to account for species that have naturalized in the system and been detected in the past 19 years. Given that 12 of the 28 species in this table are introduced/non-native, it should not be surprising that additional non-native species now occupy the system. Specifically, Oriental Weatherfish (*Misgurnus anguillicaudatus*) should be added to the list (<https://research.wsulibs.wsu.edu/8443/km/ku/bitstream/handle/2376/1054/v75s20p72%20Tabor%20et%20al%20PDF?sequence=1>). In addition to the locations mapped in this paper, Oriental Weatherfish have also been collected in Fairweather Creek. Walleye have also likely successfully established a population in lake Washington (http://seattletimes.nwsource.com/html/othersports/2011140409_oam21.html).

ELFEIS009-2 A known issue for light-rail and the I-90 floating bridge is the issue of stray current and cathodic protection. While the project engaged Herrera Environmental Consultants to evaluate this issue (e.g., <http://ftp.wsdot.wa.gov/public/190464/DeliverablesByEastLinkTeam/Follow%20up%20on%20RTE%20Report/07-03616-003%20Stray%20Current%20Memorandum%202008%2006%2013.pdf>), their summary of potential effects focused on physiological and behavioral responses of fish. Two areas not discussed are the potential effects to fish that use electrical fields for active or passive electrolocation and the potential effects to invertebrates. The focus on physiological and behavioral responses may lead to relatively high thresholds, whereas electrolocation would likely be lower thresholds where responses are more likely to be noted. Weakly electric fish have been documented to produce and respond to electrical fields that are approximately 1mVcm⁻¹ and the effect of establishing an electrical field may affect the ability of fish that use electrolocation to detect prey items (e.g. lamprey and catfish). Detection of prey items is not an endpoint of analysis used in Sound Transit's studies.

Wetlands

ELFEIS009-3 The FEIS inexplicably fails to recognize previously mapped wetland at the headwaters of West Tributary to Kelsey Creek. This wetland was mapped by the I405-NE 8th Street to SR 520 Improvement Project and documented in the Environmental Assessment as wetland 7 3R (a 4.14 acre category 2 wetland) (http://www.wsdot.wa.gov/NR/rdronlyres/75A51A92-E494-4E5E-9899-1F94A7AA8F28/0/3_BIB_Chr5_Part2_May08_050708.pdf). This would appear to be a substantive error in the Final EIS since maintenance facilities MF2 and MF1 would appear to require construction immediately adjacent to and potentially within the regulatory buffer of this wetland. (This wetland should appear on exhibit 3-28 of Appendix H3 and elsewhere). It is unclear why or how Sound Transit failed to detect this substantial wetland resource, however it requires analysis in the Final EIS.

Response to comment ELFEIS009-1

The purpose of an EIS is to identify and disclose probable significant adverse impacts resulting from a proposed project. As described in Chapter 2 of Appendix H3, the EIS analysis of ecosystems is appropriately focused on potential impacts to protected species and habitat. Consultation with WDFW and other resource agencies was conducted and did not identify the oriental weatherfish as a resident species of Lake Washington. WDFW indicates that while two walleye have been caught in Lake Washington to date, they represent planted fish and not naturally propagated fish.

Response to comment ELFEIS009-2

Given the large size of Lake Washington relative to the small area expected to be effected by stray current from the light rail system, any affects to invertebrates would not likely rise to a level that would be considered a significant adverse impact on the Lake ecosystem.

Electrolocation is a form of electroreceptivity and effects to fish that are electroreceptive, including eels and lamprey, were considered in the analysis on stray current effects to fish and discussed in the evaluation done by Herrera.

Response to comment ELFEIS009-3

Maintenance facility sites MF1 and MF2 and are shown in Exhibit F-69 in Appendix F to the Ecosystems Technical Report, which is included as Appendix H3 of the Final EIS. MF1 and MF2 would be located approximately 400 feet from the wetland at the headwaters of West Tributary to Kelsey Creek. Since this wetland is in the City of Bellevue, its regulatory buffer could be up to up to 225 feet. Given that the MF sites are 400 feet away, the wetland and its buffer would not be impacted by operation or construction of the maintenance facilities.

Transportation Travel Demand Forecasts (Appendix H1)

ELFEIS009-4 The No Build Alternative Transportation Programs and Projects lists some project (e.g. Transit Now Plan) that are not being implemented as planned. For example, while "Metro was on schedule for implementing [Transit Now] improvements" between 2007 and 2009, it has since fallen off pace due to declines in annual sales tax revenues and increases in overall operating costs (King County Metro Strategic Plan for Public Transportation 2011-2012). In fact, Metro now projects a multi-year gap of nearly \$315 million from 2012-2015 just to maintain current service levels and complete service expansions promised to voters in the 2006 Transit Now initiative. Balancing this structural deficit would require cuts of approximately 20 percent to the current system (King County Metro Strategic Plan for Public Transportation 2011-2012). The King County Council's adoption of the 2011-2021 Strategic Plan for Public Transportation modifies the Transit Now program service implementation phasing plan and revises the description of the Transit Now Program that will occur within the 2011-2021 time frame, thereby superseding the voter approved version from 2006. Continuing to develop analyses based on full implementation of Transit Now plus King County Metro existing service levels seems misleading and will skew outcomes.

ELFEIS009-5 The finance plan for the SR 520 floating bridge remains incomplete and one funding source that has been repeatedly discussed is the potential to toll I-90. While prospects for tolling I-90 are speculative, that would have a significant effect on the transportation demand within the corridor as well as the mode share within the corridor. While analysis of speculative issues is inappropriate, recognition of this potential outcome is needed.

Vertical Displacement of floating bridge

ELFEIS009-6 Sound Transit and WSDOT's studies indicate that the vertical displacement of the floating bridge due to loading from a moving light rail train will be approximately 10-inches (http://www.wsdot.wa.gov/partners/era/i-90_bridge_load_test_study.pdf). This study was undertaken solely for consideration of the engineering challenges associated with deploying light rail on the bridge, however I see no consideration of the effect of that displacement on the surrounding waterbody. The displacement of the floating bridge downward in response to the light rail trains will create some form of a wave response in the adjacent waterbody. Given the considerable mass of the floating bridge and the speed at which the train will be travelling across it creating a displacement wave, I believe this wave bears further analysis to ensure it does not have adverse effects to the surrounding environment or navigation. WSDOT has already learned once the dangers of ignoring waves (e.g., http://www.wsdot.wa.gov/research/reports/fullreports/641_1.pdf).

Response to comment ELFEIS009-4

The Transportation Programs and Projects included in the No-Build Alternative were coordinated and reviewed among all cooperating agencies, including King County Metro. This list of projects and programs is based on reasonable and foreseeable actions. To supplement the Transit Now Plan, King County Metro and Sound Transit service planners developed a project-based transit integration plan for the No-Build and Build Alternatives which is described in Appendix H1 of the Final EIS. This integration plan is a forecast of transit services within the East Link study area. This integration plan while initially developed in year 2007 was reviewed by both agencies' service planners in preparation for the Final EIS and adjustments, where applicable, were performed in the analysis. Transit services are continually reviewed by both transit agencies and depending on many variables transit routes are adjusted. It is King County and Sound Transit's intent that the service levels assumed for East Link represent a reasonable level of transit service by years 2020 and 2030.

Response to comment ELFEIS009-5

Tolling on I-90 is not considered for the East Link project because at the time of the East Link Final EIS publication, WSDOT has not programmed tolling on I-90.

Response to comment ELFEIS009-6

Sound Transit prepared a technical memorandum to describe the wave pattern from a 10-inch displacement of the bridge as suggested by the commenter and in the study provided in the first link in the comment. The technical memorandum describes that potential waves created by the weight of the light rail on the floating bridge would decay to less than 0.1 foot within 400 feet of Pontoon A. The shore in this area is beyond 400 feet from the bridge. Therefore, although the East Link Project may result in some vertical displacement of the bridge, this displacement would not cause as large of a wave as the high speed ferry and the wave would die out before reaching the shore. No environmental impacts are

anticipated. No interference with navigation is expected from waves generated by vertical displacement.

The second link in this comment is to a study done for a potential high speed ferry line in Rich Passage which concludes that environmental damage could occur along the shores in this narrow passage from the waves created by the high speed ferry, which is very different circumstances than light rail on the I-90 bridge.”

Letter ELFEIS010

Joseph Rosmann

Page 1

From: Joseph Rosmann [mailto:rosmannj@comcast.net]
Sent: Monday, August 15, 2011 07:51 AM
To: John Wiltmer@dot.gov <John.Wiltmer@dot.gov>
Cc: Earl, Joni
Subject: Evidence of the Breach of Federal and State Law Regarding the Real Purpose for Sound Transit's Pursuit of the B2M Alignment in South Bellevue

August 15, 2011

Dear Mr. Wiltmer:

This information is being provided to you, as the immediately responsible representative of our Federal government, with respect to the Eastlink FEIS review process for Sound Transit's Eastlink light rail line in the City of Bellevue.

This communication shall serve as the official filing of a properly provided Eastlink FEIS public comment regarding Sound Transit's Eastlink FEIS documents.

"The Real Reason Why Sound Transit Has Pursued Its B2M Alignment in South Bellevue – Evidence of Sound Transit's Failure to Disclose a Fundamental Planning Objective for its South Bellevue Rail Line Placement – Transit-Oriented Development"

Sound Transit has long had one primary, but well hidden objective for pursuing use of Bellevue Way and SE 112th Avenue as its preferred route for placement of its light rail line in South Bellevue. This objective – establishing the potential for extensive Transit-Oriented Development around its South Bellevue train stations, and all along its South Bellevue rail line.

Sound Transit's strong interest in Transit-Oriented Development is well known, particularly with regard to the plan it developed with the City of Bellevue Planning Department for extensive creation of dense residential facilities in the City of Bellevue's Bel-Red Corridor. The plan for the Bel-Red Corridor segment has long been described by Sound Transit as a national demonstration project for effective Transit-Oriented Development. Sound Transit has never officially disclosed its interest in Transit-Oriented Development in South Bellevue, however.

Sound Transit's Transit-Oriented Development plans for the South Bellevue portion of the Eastlink line have nevertheless been informally disclosed to Bellevue citizens in several ways:

"Why would we build the train line on the BNSF (B-7) corridor? We can't do any transit oriented development over there" - statement by Sound Transit's B-Segment Project Manager to a group of Surrey Downs neighborhood residents - Spring, 2007

"South Bellevue's residents are so paranoid they will never let Sound Transit do what it needs to do to be successful in gaining ridership there" - a statement made to an Enatai resident by a senior transportation policy advisor to the former Chair of Sound Transit, Seattle Mayor Greg Nickels, July 2010

There is still further evidence of Sound Transit's Transit-Oriented Development plan in South Bellevue. Sound Transit completed an extensive preliminary engineering plan two years ago that called for placing

Response to comment ELFEIS010-1

The East Link Project considered in the Final EIS is the construction and operation of a light rail line. The light rail would support existing and planned transit-oriented-development (TOD) along its route, but would not directly create new TOD. Zoning requirements determine the type of development that can occur at any given location within a city. As a regional transit agency, Sound Transit encourages TOD but does not have the authority to alter local zoning codes. Rezoning to allow for TOD can only occur through local land use planning and regulations. Section 4.2 of the Final EIS included analysis of the potential for TOD development around station areas, based on several variables. All of the South Bellevue stations associated with all of the Segment B alignment alternatives were rated as low potential for TOD.

ELFEIS010-1

the Eastlink rail line completely on the west side of Bellevue Way and 112nd Avenue, all the way from Main Street to I-90. Surveying to set out the westward edge of this completely west side running alignment was completed at that time. The stakes associated with this survey are still present up the hillside far to the west of 112nd Avenue and all along south Bellevue Way. This west side placement would require the taking of a large number of private residences, all the way from I-90 to Main Street, thus creating the potential for massive declines in the value of other remaining nearby private residences, thereby setting up the potential for private developers, with interests in creating Transit-Oriented Development projects, to swoop in with property acquisition proposals to private homeowners.

Detailed Sound Transit engineering maps showing this completely west side route placement along the entire B route segment were viewed by an Enatai neighborhood resident two years ago.

Bellevue City Manager, Steve Sarkozy, has had copies of the maps of this completely west side running plan in the B segment since early 2009 as they were viewed in his office at that time by a Surrey Downs resident.

ELFEIS010-1

Multiple meetings have also taken place in the office of Mr. Sarkozy in the past year with developers and other organizations that would benefit from City backing of Transit-Oriented Development initiatives in south Bellevue.

Representatives of these developers are presently (during August 2011) proceeding to make unsolicited offers to homeowners with residences along the proposed B2M rail line to purchase their properties.

Sound Transit has avoided any official public statements regarding their Transit-Oriented Development interests along their B2M rail line alignment because they know that such official disclosure would cause public outcry against such plans by South Bellevue residents.

A Breach of Public Trust and Ethical Public Disclosure Requirements

Sound Transit's failure to disclose their real plans for Transit-Oriented Development along the B2M rail line in South Bellevue, while having already created extensive engineering plans for just such an objective, is evidence of Sound Transit's ongoing attempt to purposely mislead City of Bellevue officials as well as Bellevue citizens. This is a direct violation of the ethical and legal standards of public disclosure that Sound Transit, as a federally qualified transit agency, is required to fulfill.

Bellevue citizens have reason to believe that, as Sound Transit proceeds with final engineering planning for its B2M rail line facilities, Sound Transit will belatedly discover that:

ELFEIS010-2

1. its mitigation plan for the Winters House (a national historic facility) will not be possible without seriously damaging this property
2. the costs (never fully disclosed to date, including in its FEIS here) of constructing the many deep piers required to support the grade separated retained cut placement along the east side of Bellevue Way and along 112th Avenue SE will be prohibitive
3. the challenges on containing serious environmentally damaging siltation, toxic wastes, etc, from the Mercer Slough Creek bed will be insurmountable, and
4. the challenges and costs of remediating the effects of blocking the underground waterways and drainage flows from the wetlands lying along the west side of 112th Avenue, caused by the retained cut rail line and piers placement along the east side of 112th Avenue, will be massive.

ELFEIS010-3

ELFEIS010-4

ELFEIS010-5

Response to comment ELFEIS010-2

Potential adverse impacts to the Winters House have been resolved through the Section 106 process by preparing a Memorandum of Agreement (MOA) between the Washington State Department of Archaeology and Historic Preservation, FTA, and Sound Transit.

Response to comment ELFEIS010-3

Project costs are provided in Sections 2.6 and 6.1.5 of the Final EIS. The costs included in the Final EIS account for piers and/or ground improvement associated with *Preferred Alternative B2M*.

Response to comment ELFEIS010-4

Sound Transit has determined through coordination with the Washington Department of Ecology that project trackways and guideways that are not shared with automobile traffic, such as those next to Mercer Slough in *Preferred Alternative B2M*, are considered non-pollutant-generating impervious surface (non-PGIS). Section 4.9.3 of the Final EIS describes best management practices that would provide adequate protection against water quality degradation during construction of *Preferred Alternative B2M*. Sound Transit has investigated known hazardous material sites, as discussed in Section 4.12, and Sound Transit will implement best management practices while constructing in potentially contaminated areas in order to minimize potential impacts.

Response to comment ELFEIS010-5

As described on Page 4.9-20 of the Final EIS, the sealed concrete lined retained cut constructed near Mercer Slough would prevent groundwater from entering the retained cut, but would allow groundwater to flow down-gradient beneath the cut. This would maintain the existing groundwater flow toward the Slough and sustain down-gradient wetlands and other surface water features. As the sealed concrete lined retained cut is part of the project design, it is included in project cost estimates. No impacts to ground water from pier placement are anticipated since water would flow around the piers.

ELFEIS010-6 Based on the very probable likelihood of these findings, Sound Transit can be expected to seek to solve these challenges by proceeding to move the entire B2M segment to the west side of both Bellevue Way and 112th Avenue SE as it completes its final engineering and financial planning.

ELFEIS010-6 The fact that Sound Transit has already prepared such extensive plans and details for a completely west side running B segment placement makes clear that Sound Transit management already knows of these challenges and costs. Should they subsequently proceed with such plans, without proper prior disclosure, this would place Sound Transit fully in violation of its legal disclosure requirements.

ELFEIS010-7 Such a rail line placement would also fully support their Transit-Oriented Development objectives throughout this entire portion of the rail line's B segment which they also have never disclosed, this despite their very extensive discussions with private developers for just such purposes.

ELFEIS010-7 Sound Transit's failure to make proper disclosure of its Transit-Oriented Development Plans along its proposed B2M rail line segment is evidence of a fundamental breach of its legal mandate to make proper disclosure of all the expected environmental impacts of their rail line placement in South Bellevue.

Sincerely yours,

Joseph Rosmann
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Bellevue, Washington 98004-6821
425 417.0797
jrosmann@stn.wa.gov

Response to comment ELFEIS010-6

Please see Chapter 2 of the Final EIS for a description of the proposed light rail route including *Preferred Alternative B2M*, which is located on the east side of Bellevue Way SE. Conceptual design drawings can be found in Appendix G1 of the Final EIS. Should substantial changes to the location of the alignment be proposed, these changes would be subject to additional review, approval, and environmental analysis.

Response to comment ELFEIS010-7

Please see response to comment #ELFEIS010-1 regarding TOD.

Letter ELFEIS011

Kemper Development Company

Page 1



August 12, 2011

Rick Krochalis, Region X Administrator,
Federal Transit Administration
Washington D.C.
rick.krochalis@dot.gov

Re: Sound Transit - Eastlink FEIS

Dear Mr. Krochalis:

The Company I represent, Kemper Development Company, Bellevue, WA, has spent considerable funds investigating and studying the plans and performance of light rail. In one sentence we have found that light rail costs too much, takes too long to build, and does too little in terms of transportation. In fact light rail in the United States seems to be more of a faith based idea than a factual matter of benefit and cost analysis.

ELFEIS011-1

The Sound Transit FEIS for Eastlink light rail from Downtown Seattle, across Lake Washington, through Bellevue and on to Redmond has some very serious flaws and omissions. In the material below some of those flaws and omissions are noted and discussed.

I. FEIS DEFICIENCY:

FAILURE TO ANALYZE AND CONSIDER THE NATIONAL PRECEDENT FOR THE INTERSTATE HIGHWAY SYSTEM:

Sound Transit is organized under Washington State Law covering Municipal Corporations. In essence Sound Transit operates with the legal powers as a city in the State of Washington. If Sound Transit acquires rights for the two I-90 Center Express lanes for the exclusive purpose of light rail it would set a National precedent for the Interstate Highway System.

ELFEIS011-2

Response to comment ELFEIS011-1

Thank you for your comments. Please see Section 2.6 of the Final EIS for a discussion of costs and funding, Section 2.7 for the project schedule and Chapter 3 for transportation changes that would result from the project. Please see responses to the subsequent comments in this letter regarding alleged flaws and omissions.

Response to comment ELFEIS011-2

Your comment has been noted. Please see Appendix B of the Final EIS for a description of public involvement that took place before the November 2008 vote on the Sound Transit 2 Plan.

As discussed in the Executive Summary of the East Link Final EIS (ES.10, Areas of Controversy and Issues to be Resolved), in 2009 a lawsuit was filed by Eastside Transportation Association and others challenging the State of Washington's constitutional authority to approve use of the I-90 floating bridge center roadway for light rail transit. Petitioners sought a writ of mandamus barring the governor or secretary of transportation from "taking any action" pertaining to the conversion of lanes of I-90 for purposes of light rail. In April 2011, the Washington State Supreme Court denied petitioners' request. Following the Supreme Court's decision, the petitioner filed a similar challenge in Kittitas County Superior Court. The Kittitas lawsuit is pending.

The Sound Transit Board identified light rail as the preferred mode using a route along I-90 in July of 2006. In July of 2008 the Sound Transit Board adopted Sound Transit 2: A Mass Transit Guide, the Regional Transit System Plan. The East Link Light Rail Transit Project is included in ST2. ST2 was approved by voters in November 2008. Please see Section 3.5 in the Final EIS for a discussion of impacts to I-90 and Section 3.8 for a discussion of impacts to truck routes. Please see Section 1.2 of the Final EIS for a description of the need for the East Link Project.

The mantra in Seattle has been, "The voters voted for Eastlink therefore everything is okay". Yes, but when the voters voted they did not have benefit of even a draft EIS. Nor did the voters realize the transfer from Washington State Department of Transportation to Sound Transit of the I-90 two Center Express Lanes for 7 miles would violate the Washington State Constitution.

The State Constitution protects all of the people in the State of Washington from their government taking some action that they do not want to occur. The 18th Amendment to the State Constitution protects highways built all or in part with gas tax revenues for "Highway Purposes". There is strong precedent case law by the WA. ST. Supreme Court up holding the 18th Amendment. Also, several attorney general opinions have been issued supporting the 18th Amendment.

ELFEIS011-2

A minority of the State's adult population voted for the Sound Transit Eastlink plan. The plan benefits the same minority population and degrades the service levels of the I-90 Corridor for the majority of the people in the State who rely on the corridor for commerce and travel.

The "local majority", who are in fact a minority of the State's adult population, does not give consideration to Interstate travel on the I-90 Corridor into Seattle which is a super-regional city. No consideration was given for the interstate trucking from the Port of Seattle to the mid-western U.S.

The precedent opens the door for other cities in the U.S. with an interstate highway nearby to negotiate with their state DOT for exclusive use of a portion of Interstate Highway to suit their transportation purposes. Examples, which seem unbelievable but in a political environment might be achieved, could be a bicycle/jogging parkway in an urban area or a parking lot near an urban area.

The speculation need not continue.

II. FEIS DEFICIENCY:

FAILURE TO INCLUDE A TSM ALTERNATIVE

I-405 Corridor ROD – Oct 2002

The I-405 Corridor includes the area east of I-5 in King and Snohomish counties between the Tukwila and Lynnwood interchanges, 30 miles. "This corridor-level EIS focuses on broad corridor-wide issues related to mode choice, general location of improvements, and how combinations of improvements may function together as a system to solve corridor wide transportation problems." (Pg. 2 of I-405 ROD)

ELFEIS011-3

In approving of the I-90 Two-Way Transit and HOV Operations Project Record of Decision, FHWA determined that the project would not have adverse effects on operation of the national interstate system. FHWA determinations related to use of Interstate ROW for the East Link project are limited in scope to the East Link project. Use of Interstate ROW for any other transit, rail or other projects on any part of the Interstate system would require separate FHWA review and approval. Additionally, for the East Link project, it should be noted that HOV lanes will not be converted to light rail until the I-90 Two-Way Transit project adding additional HOV lanes has been completed. There will be no net loss of HOV lanes.

Response to comment ELFEIS011-3

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]. For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR

Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal Register: February 14, 2007, Vol. 72, Number 30) and guidance found at: <http://environment.fhwa.dot.gov/integ/related.asp>

Response to comment ELFEIS011-4

Please see response to comment # ELFEIS011-2 above, regarding the use of the I-90 center lane and the current court case regarding this issue. The R-8A project is not used as mitigation for environmental impacts from the East Link Project. While the R-8A project did not include high capacity transit (HCT), it was designed to accommodate HCT in the center roadway in the future. As described in Section 2.3.1 of the East Link Final EIS, the No Build Alternative included an option that considered completion of all stages of the R-8A project, including operation of all HOV lanes provided by the R-8A project. Please see response to comment #ELFEIS011-3 above regarding the planning history leading to the light rail mode choice.

No comments

- n/a -

Page 3,2-43 of the DEIS for the I-90 R-8A Project stated quite emphatically:

The Project is not a light rail or High Capacity Transit (HCT) project, it is intended to improve regional express bus transit and HOV operations. If there is a high capacity transit project proposed for I-90 in the future, it would have its own environmental analysis. The project alternatives have been reviewed (only) to determine whether they would be adaptable for a future light rail project.

ELFEIS011-4

Alternative R-8A will provide HOV lanes on the outer roadways. It will retain the existing two lane reversible operation on the center roadway, with both lanes operating in the same direction, westbound in the AM and eastbound in the PM. SOVs will only be allowed to use the center roadway between Rainier Avenue in Seattle and Island Crest Way on Mercer Island." (Pg. 9 of R-8A ROD). In the final operating configuration of R8-A there is to be 10 lanes total, 6 general purpose lanes, two outside HOV lanes, and two reversible Express Transit/HOV lanes.

I-90 Two-Way Transit and HOV Operations Project (R8A) record of decision (or FEIS for the project) stated that nothing in the R8A study process considered the impacts of HCT/LRT being operated in the corridor. R8A was to be complete and operating prior to the introduction of HCT/LRT. Therefore, the base for a light rail alternative should be the R8A configuration with BRT/HOV operations.

In summary, the study work and records of decision for the I-405 Corridor Project and the I-90 Corridor R8-A Project which have been cited above reached conclusions that require a full TSM/BRT alternate system analysis in the Final Environmental Impact Statement for Eastlink.

III. FEIS DEFICIENCY:

FAILURE TO ANALYZE THE FULL IMPACTS TO THE INTERSTATE HIGHWAYS OF I-405 THROUGH BELLEVUE, WA, AND TO I-90 FROM BELLEVUE TO THE INTERNATIONAL DISTRICT OF SEATTLE, WA.

Response to comment ELFEIS011-5

Please see response to comment # ELFEIS011-2 above.

Response to comment ELFEIS011-6

The technical issues associated with the I-90 floating bridge are discussed on pages 2-22 and 2-23 of the Final EIS, including the discussion and findings of load testing conducted on the bridge to evaluate the additional weight from light rail (which would not change the bridge's ability to remain safe during storm events). As described in these sections of the FEIS, the Washington State Legislature Joint Transportation Committee commissioned an independent review team (IRT) to evaluate several design issues related to installing and operating light rail on the I-90 floating bridge, such as expansion joints, weight, stray currents, and bridge maintenance. The IRT concluded that all issues identified as potentially affecting feasibility can be addressed through project design measures. An IRT task force continues to advance work on design solutions to all the issues identified by the IRT and specific design measures will continue to be refined throughout the final design phase of the project. For example, Sound Transit will continue work on a track bridge prototype design and testing program, which will include construction and testing of a full scale track bridge prototype prior to installation on I-90 at the existing expansion joints. If during operation the bridge is closed due to high wind, alternate bus service would be temporarily employed to provide service to light rail patrons.

Response to comment ELFEIS011-7

Sound Transit completed a FHWA Interchange Justification Report in June 2011 and received a preliminary finding of engineering and operational acceptability. This report documented and included all of the ramp modifications included with *Preferred Alternatives A1 and B2M*. The letter providing the finding of engineering and operational acceptability is located in Appendix H1 of the Final EIS.

- ELFEIS011-5

Washington State Constitutional Question:

The taking of the I-90 Center Roadway from the State of Washington in violation of the 18th Amendment to the State Constitution is currently being litigated in the Washington State Superior Court, Kittitas County

Interstate I-90 Modifications and Risks:

First, it is known that modifications to a six mile center roadway of I-90 will be necessary according to Sound Transit. These modifications are significant.

Second, the degradation in strength of the existing floating bridge due to the modifications to the bridge by adding significant weight which creates a greater risk of the Bridge sinking. These modifications will also cause closures of the bridge in the future during high wind conditions. These items mention in the Expert Review Panel Study of the issues.

Third, the technical issues of transitions from solid structures to the I-90 Floating Bridge at both ends have not as yet been resolved. This remains an open question of how the transitions by the light rail trains might affect the Bridge and the land structures. Since the light rail tracks are planned to not be centered on the Bridge there will not only be vertical movements by the train loading on the Bridge but torsional forces.

Fourth, there are stray electrical currents within the Bridge which also need a resolution. If not checked these could significantly degrade the existing Bridge structure.

All of the above technical issues related to Sound Transit light rail threaten the safety and reliability of the Interstate Highway, I-90.
- ELFEIS011-7

Interchange Modifications:

Certain I-90 interchanges on Mercer Island and South Bellevue Way are proposed for modification. Sound Transit has already asked the Mercer Island City Council for approval to remove certain ramps on I-90. Sound Transit has not completed a FHWA Interstate modification justification study on these changes.
- ELFEIS011-8

I-405 Crossing:

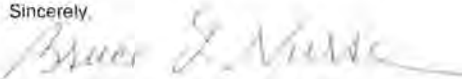
There will be an elevated crossing of I-405 in Downtown Bellevue which will cause significant disturbance to the public and potentially limiting the alternatives for future expansion of I-405.

Response to comment ELFEIS011-8

The WSDOT is a co-lead on the EIS and coordination occurred in the preliminary engineering and environmental review of the East Link alternatives. As part of this process, WSDOT and Sound Transit ensured the improvements included in the I-405 Program were not prohibited with any of the potential East Link elevated crossings.

Your consideration of these important matters in relation to our community will be greatly appreciated.

Sincerely,



Bruce L. Nurse, Vice President – Transportation
Kemper Development Company
575 Bellevue Square
Bellevue, WA, 98004

bnurse@kemperdc.com

cell # 206-798-5616
direct office # 425-460-5790

Comment Post Script by the Author:

For the past 20 years I have been watching and studying the evolution, planning, development, cost, financing and politics of Sound Transit in the three county area of Puget Sound in the State of Washington. I have never in my 50 years in business encountered an organization created by the peoples' government, under state laws, without recourse to the voters with a culture of pure propoganda, half-truth, distortion, and misrepresentation of facts. I stop short of saying what others have said about just plain liars in much of the public information brought forward.

ELFEIS011-9 In my business career I have never been involved with a project that the more information that was discovered the worse the project looked from both a performance and financial point of view. In the first 10 years of operations Sound Transit performance has been far worse than we ever had predicted from a cost and performance basis.

It is extremely unfortunate that the Congress created a pot of money called "New Starts" to fund light rail. Congress in doing so made a mode choice and it was the wrong one from a tax payer's point of view and the traveling public is concerned. We must change this and also avoid the horrendous boondoggle that high speed rail represents.

Response to comment ELFEIS011-9

Your comment has been noted. Please see Section 2.6 of the Final EIS for a discussion of costs and funding. The East Link Project is not applying for New Starts Funding. Table 3-9 on page 3-25 of the Final EIS shows the projected daily ridership for the preferred alternatives.

August 15, 2011

To:

John Wiltmer
FTA Region 10
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Subject: Response re: Sound Transit East Link FEIS, 4.16 Historic and Archaeological Resources, July 2011

Dear Mr. Wiltmer and FTA Officials,

I would like to send to you my comments regarding the Sound Transit East Link FEIS as it applies to architectural and cultural resources in Bellevue that are protected by federal laws 106 and 4(f).

Specifically, East Link FEIS Exhibit 4.16-18 (Map showing the potential SDHD) is blatantly incorrect re: both the Area of Potential Effect or APE, and the properties that are included in the potential Surrey Downs Historic District (pSDHD).

Sound Transit's conclusions regarding the Surrey Downs Historic District remain **incorrect and incomplete** from the time of the DEIS.

In a meeting with Project Manager Sue Comis and James Irish I attempted to point out these inconsistencies, but Sound Transit officials made no changes, and the homes that I identified as untouched and original Mid-Century Modern Mithun and Neslund homes remain identified as "Non-Contributing Properties" on the map. Many others that are clearly NOT Mithun & Neslund have been identified as "Contributing Properties".

There is no explanation in Sound Transit's FEIS document as to why these decisions have been made. The home at 324 109th Avenue SE (at the top of 109th) is inexplicably left out of both the APE and the identified Mithun & Neslund properties. Why? It is an original, untouched example of the style, eligible to be a part of the Historic District.

Another example of an original, untouched Mithun & neslund home that Sound Transit misidentified is the M&N home at 269 Main Street/110th Avenue SE that Sound Transit would condemn for a transit station. That home is untouched and no explanation has been made in the documents as to why it has not been included in the list of "Contributing Properties".

These errors make it wholly inaccurate for Sound Transit to indicate that there would be no adverse impacts to the potential Surrey Downs Historic District.

In fact, there would be numerous adverse impacts from any potential alignment that utilizes Main Street.

Additionally, a potential light rail station directly behind "contributing" properties along the north curve of 109th Avenue SE would contribute numerous adverse impacts to the pSDHD.

The following recognized adverse impacts (among others) have been identified by the Washington State Department of Archeology and Historic Preservation (DAHP) with regard to protection of historic

Response to comment ELFEIS012-1

The selection of the Area of Potential Effects (APE) is described in Section 3.1 of the Historic and Archaeological Resources Technical Report, which is included as Appendix H4 to the Final EIS. FTA and Sound Transit consulted with, and received concurrence from, the State Historic Preservation Officer (SHPO) on the APE used for the project.

Correspondence with SHPO regarding the eligibility of properties for the National Register of Historic Places (NRHP) can be found in Appendix E to Appendix H4 of the Final EIS.

The home at 324 109th Avenue SE is not within the APE for the project. As shown in Exhibit C-7 of Appendix C to Appendix H4, the alternative closest to this address is Alternative C3T, and the APE for Alternative C3T is approximately 135 feet from the property. The APE for *Preferred Alternatives C9T and C11A* is approximately 800 feet away. Please see Section 7.3.3.1 of Appendix H4 for a description of the potential Surrey Downs historic district.

In May 2010, project historians revisited the analysis of the potential historic district in response to public comment to more thoroughly assess the integrity of extant resources in relation to the criteria established for the potential district. The result was the inclusion of two additional residences as eligible for NRHP listing, and confirmation and additional documentation supporting the determination that properties along Main Street at the north end of the historic district are not contributing. It is important to note that buildings inventoried were not considered in complete isolation but rather the context of the potential historic district. The address given by the commenter, 269 Main Street, could not be located. We believe that the commenter is referring to 69 110th Avenue SE, which was reviewed for eligibility for the NRHP and is located at the intersection of Main Street and 110th Avenue. As shown in Appendix C to Appendix H4, the Historic and Archaeological Resources Technical Report, of the Final EIS, this property is not considered eligible for listing on the NRHP. This building has undergone significant alterations to its west

11/21

5017.2

properties when a state agency such as Sound Transit receives federal transportation funding as legitimate concerns to be addressed and mitigated for.

5012-2

- Noise
- Dust
- Grime
- Vibration
- Visual blight
- Access & egress impacts

If Sound Transit refuses to admit that there ARE adverse impacts at all by eliminating key original, untouched examples of Mid-Century Modern properties from the APE or from a map showing the boundary of the Historic District, then Sound Transit may not be required to mitigate for any of the following:

- Raising noise levels above federal limits during construction and operation of a light rail alignment and station too near the pSDHD
- Raising noise levels above City for Burlington Noise Ordinance standards during construction and operation of a light rail alignment and station too near the pSDHD
- Locating a staging area directly adjacent to a potential historic district
- Locate a light rail station directly adjacent to a potential historic district
- Moving tons of dirt & excavating directly adjacent to a potential historic district- Sound Transit must mitigate for the dust, grime, and loss of physical condition of the pSDHD.
- Removing key properties due to condemnation that could play a key role in adding to the historic district (Such as 269 Main Street/110th Avenue SE)
- Vibration damage to the 50+ years old floor-to-ceiling window configurations that may be somewhat delicate due to their original, custom construction methods
- Adversely impacting the remaining "contributing properties" with the above list of impacts, and threatening a potential HD

FEIS quote:

4.16.2 Affected Environment

"Sound Transit and FTA consulted with and received concurrence from DAHP on the Area of Potential Effects (APE) used for this project. The APE is the area within which the project may cause direct or indirect changes to the character of any historic properties. The APE for archaeological resources is limited to the portion of the project where ground-disturbing activities would be conducted, such as areas for demolition, construction, staging, equipment storage locations, and stormwater management facilities"

5012-3

Response:

There is no explanation in the FEIS as to why Sound Transit and DAHP left out ONE house from the APE, but INCLUDED both homes on either side of it from the list of homes within the APE and from the list of "contributing properties". Sound Transit must give an explanation regarding this if their determination is to be credible. (Address: 324 109th Avenue SE).

FEIS quote:

Segment C

A portion of the Surrey Downs residential subdivision is potentially eligible for the NRHP as a historic district (see Exhibit 4.16-18). According to discussions with DAHP, this residential area has not been determined eligible because many of the houses in the Surrey Downs neighborhood are outside the Area of Potential Effect and thus

5012-4

(rear) elevation and a surface parking lot has been added along its north elevation due to its conversion for commercial use. Changes to windows and the setting of the building also detract from its overall integrity and relationship to the residences within Surrey Downs. The property is considered a non-contributor due to its lack of integrity resulting from its loss of key character-defining features and original setting.

Response to comment ELFEIS012-2

Environmental effects in the potential Surrey Downs historic district are described in Section 4.16.3 of the Final EIS and in Section 8.3.1.3 and 8.3.2.4 of the Historic and Archaeological Resources Technical Report (Appendix H4 to the Final EIS). Mitigation is described in Section 4.16.4.2 of the Final EIS, in Section 9.2.1.3 of the Historic and Archaeological Resources Technical Report, and listed for the Preferred Alternative in Appendix I, Mitigation Plan. Mitigation measures are also included in this Record of Decision (Attachment C). Sound Transit is required to mitigate for impacts consistent with federal, state, and local regulations, regardless of whether the structure is historically significance or not.

Response to comment ELFEIS012-3

Please see response to comment # ELFEIS012-1.

Response to comment ELFEIS012-4

Please see response to comment # ELFEIS012-1 regarding the eligibility of properties for the potential Surrey Downs historic district. Consistent with 36 CFR 800.4 and in consultation with the SHPO, once the APE is determined, the next step is to review existing information on the properties located within the APE to assess whether or not each property is eligible for listing in the NRHP. These regulations do not require the review of properties located beyond the APE. With the list of properties reviewed, it was determined, in consultation with SHPO, that a boundary would not be delineated.

No comments

- n/a -

were not analyzed for historic significance. A district is a concentration of buildings or other properties that may or may not be individually eligible for the National Register, but are linked by one or more features that define their character. To be considered eligible as part of the potential Surrey Downs historic district, the houses need to be a consistent architectural style and not have been outwardly modified since their construction."

Response:

According to Michael Houser of DAHP and Chris Moore of the Washington Trust for Historic Preservation (WTHP), even a house that has had minor changes to its façade, such as window changes or a different door, can be and is often restored to its architectural significance, and thus, can be included as a part of a Historic District. Therefore it is incorrect to eliminate houses from consideration of a POTENTIAL Historic District, and thus to eliminate any mitigation to a HD because of minor changes.

5012 - Regarding the Surrey Downs Historic District Boundary

My father, Russell L. Leach, interviewed Omer Mithun while he was a student in the UW School of Architecture. He then wrote a study in 1965 evaluating the architectural significance of the Surrey Downs neighborhood, and in that study was included very specific maps that my father drew, of the Surrey Downs Mithun & Neslund development, based on direct information given to him by Mr. Mithun re: the properties.

I shared those maps with:

- The Department of Archeology and Historic Preservation (DAHP), who then was obligated to share them with Sound Transit as a collaborating agency,
- The Washington Trust for Historic Preservation (WTHP),
- The City of Bellevue Transportation Department, in a meeting regarding the boundaries of and impacts to the pSDHD,
- The Bellevue City Council, where I spoke on the subject numerous times,
- The Eastside Historical Society, where I gave a presentation to their Board,
- Sound Transit, in a meeting with James Irish and Sue Comis.

The study now resides in the UW Architecture Library in the Reserved Stacks for Faculty, and can be accessed there.

It is unacceptable that Sound Transit should retain incorrect information from the DEIS even after all of this communication of the facts to them, without correcting it, and essentially attempting to eliminate the need to mitigate for the adverse impacts to a potential Historic District, which is directly protected by federal laws 106 and 4(f).

DEIS quote:

"Segment C

The historians did not establish boundaries for the district because it extends beyond the project APE."

Response:

It is unacceptable for Sound Transit to threaten a Historic District by refusing to evaluate the boundaries of an HD (as presented to them by me), and eliminating properties that could contribute to the viability of the HD itself, or put in other terms, could threaten the HD's existence if too many key properties are lost. This is in direct violation of federal laws 106 and 4(f). Both Sound Transit and DAHP were provided this information re: the specific boundaries.

Looking the Other Way:

I was informed by a key historic preservation expert here in Washington that DAHP would not hold up a major Sound Transit transportation project by issuing a statement of non-conformance, even though ST's East Link project conflicted with exact and specific federal laws to protect historic resources (like a historic district) because DAHP feared retribution, in the form of deep budget cuts and/or elimination of the DAHP agency by Governor Gregoire in the budget cycle.

This is unacceptable avoidance of federal laws that apply, and seek to protect architecturally significant resources in Washington State (such as the potential Surrey Downs Historic District).

FEIS Quote:

"While Preferred Alternative C11A would introduce changes to the setting of the potential Surrey Downs historic district, the project would not affect any contributing properties and would minimize impacts on setting and context. During final design, Sound Transit would assess whether or not the existing large evergreen trees located next to the contributing properties near the 108th Station could be preserved. Sound Transit's intention is to preserve the established trees to the extent practicable. Project components such as station design, landscaping, and a landscaped berm would minimize project visual and noise impacts, create a buffer from the project, and could enhance the neighborhood boundary where noncontributing properties would be removed."

Response:

Sound Transit should not be allowed to remove & condemn properties that have minor elements that can be restored to original architectural significance, where their removal would threaten the necessary percentage of "contributing" properties, and essentially threaten the establishment of the whole HD, per 106 and 4(f). Properties "eligible" to be on the National Register of Historic Places must be treated exactly as if they were already listed on the NRHP, per federal laws 106 and 4(f).

Sound Transit also has not included in its FEIS a statement of any kind regarding why it is necessary to utilize an alignment that has numerous adverse impacts to the pSOHD.

Sound Transit must show, per 106 and 4(f), why it cannot avoid adversely impacting the Winters House and the potential Surrey Downs Historic District. Sound Transit has failed to do that in the FEIS, and is recycling errors from the DEIS.

Sound Transit could easily avoid adverse impacts to both the pSOHD and the Winters House by utilizing a B7R alignment for East Link.

Sincerely,

Stacie LeBlanc
Founder, The Surrey Downs Historical Society
stacie.leblanc@clearwire.net

cc:
John Witmer
FTA Region 10
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

john.witmer@dot.gov, fta.tro10mail@dot.gov

Response to comment ELFEIS012-5

Please refer to the Final EIS Historic and Archaeological Resources Technical Report, Appendix E, which presents documented consultation with SHPO since 2006. FTA, as federal lead agency, has complied with NEPA, Section 106 and its implementing regulations, and other relevant federal statutes as described in this Record of Decision.

Response to comment ELFEIS012-6

The *Locally Preferred Alternative (C9T)* and *Alternative C11A* would remove noncontributing properties within the Potential Surrey Downs Historic District. These properties are not eligible for the NRHP. Environmental effects in the potential Surrey Downs historic district are described in Section 4.16.3 of the Final EIS and in Section 8.3.1.3 and 8.3.2.4 of the Historic and Archaeological Resources Technical Report (Appendix H4 to the Final EIS). Please see Appendix D to the Final EIS for the Section 4(f)/6(f) Evaluation that was completed for the East Link Project.

Response to comment ELFEIS012-7

Please see Appendix D to the Final EIS for the Section 4(f)/6(f) Evaluation that was completed for the East Link Project.

Letter ELFEIS013

City of Bellevue

Page 1

CITY OF
BELLEVUE



P. O. Box 90012 • Bellevue, WA • 98009-0012

August 11, 2011

Via Regular Mail

R. F. Krochalis
Regional Administrator
Federal Transit Administration
815 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Dear Mr. Krochalis:

Re: East Link Project – City of Bellevue Comments on Section 106 and Draft Memorandum of Agreement

Dear Mr. Krochalis:

As you know, the City has been an active participant in the review processes associated with Sound Transit's East Link light rail project. As a continuation of this participation, we have reviewed the information included in the FEIS for East Link describing historic resources impacted by the project and protected by Section 106, as well as the draft Memorandum of Agreement included in the FEIS. The attached represent our comments on the MOA. We are offering these in advance of a meeting with Sound Transit scheduled for next week, and appreciate the continued opportunity to work with both your agency and Sound Transit to ensure that the City's historic resources are adequately protected both during construction of East Link and during its operation.

The City of Bellevue claims dual standing as a consulting party under Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)). First as the local government with jurisdiction over the area in which the adverse effects occur and second as the property owner of a National Historic Register property affected by the project, the F.V. Winters House.

The attached comments on the draft Memorandum of Agreement, as amended from the East Link FEIS, build from and should be considered alongside the letter submitted by the City to the FTA dated May 23, 2011. This letter provides the City's record of comments related to potential historic impacts throughout the East Link EIS process.

Response to comment ELFEIS013-1

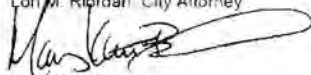
Subsequent to receiving this letter, FTA and Sound Transit conducted additional consultation with the City of Bellevue and the State Department of Archaeology and Historic Preservation, including a meeting with all parties on August 18, 2011, to address the City's concerns expressed in this letter and develop revisions to the MOA. FTA invited the City of Bellevue to sign the revised MOA as a concurring party.

Mr. Rick Krochalis
August 11, 2011
Page 2

The table enclosed with this letter compares the City's expressed concerns in the May 23, 2011 letter and compares them to the draft Memorandum of Agreement. In some cases, the City's concerns are partially met and in other cases, concerns are not addressed. The City asks the FTA to incorporate these comments and suggested changes into the final version of the Agreement. If you have any questions about the enclosed, please contact me.

Sincerely,

CITY OF BELLEVUE
OFFICE OF THE CITY ATTORNEY
Lori M. Riordan, City Attorney



Mary Kate Berens
Deputy City Attorney

Encl

Cc (all via electronic mail only):

Steve Sarkozy, City Manager
Lori M. Riordan, City Attorney
Patrick Foran, Director, Parks & Community Services Department
Cameron Parker, Senior Planner, Parks & Community Services Department
John Wiltner, Community Planner, FTA
James Irish, Sound Transit
Kent Hale, Sound Transit
Ema Borbe, Sound Transit
Steve Sheehy, Sound Transit
Michael Houser, Department of Archeology & Historic Preservation
Matthew Sterner, Department of Archeology & Historic Preservation

No comments

- n/a -

Section 106 Consultation

Comments on Draft Memorandum of Agreement

City of Bellevue Concern (repealed from letter to FTA dated May 23, 2011)	Status of Concern in Draft MOA	Suggested Approach for Final MOA
2 - Potential physical impacts to the structure during construction	Partially Addressed	Section I.G. Due to the high risk presented by the proximity of the construction to the resources, a contingency clause should be added to address accidental irreparable harm to the structure.
3-3 - Impacts for the City and the Eastside Heritage Center associated with the multi-year closure of the facility during construction	Partially Addressed	Section I.F. General criteria for the temporary relocation space should be defined in the MOA. Re-establishment and re-occupancy of Winters House after construction should also be addressed. Do existing ST commercial relocation policies cover this? Should they be referenced? Relocation areas should include: <ul style="list-style-type: none"> • Location – within the city of Bellevue, accessible to the City and Eastside Heritage Center (EHC) • Floor area – a prescribed minimum square footage to ensure continued ability to provide public programming and archive storage and access • Tenant improvements – if necessary, to accommodate relocated activities EHC has a role in the MOA and should be invited as a consulting party per §800.61a(7)
Potential long-term vibration and ground-borne noise impacts during operation	Not Addressed	Section I.H. Provisions should be added to monitor the performance of construction methods beyond the period of construction to ensure that methods adequately minimize impacts. A contingency clause should be added to establish a bond or other security instrument to account for unintended long-term impacts to the house. The security instrument could be triggered if impacts occur over time beyond a set of pre-determined thresholds for settlement, noise, vibration or other conditions.
3-4 - Impacts to the setting of the house caused by the retained cut and the reconstructed and raised parking lot and access stairs and ramps within the 50-foot boundary around the house established for the National Register of Historic Places	Not Addressed	Sound Transit and the City disagree on the impact of the project elements that exist within the 50-foot buffer established in the National Register Nomination. These elements include the retained cut trench and lot and the ramps and stair structures at the north edge of the raised parking pedestal. Sound Transit finds these elements have no impact as the 50-foot buffer has no significance. The City finds that the Nomination intentionally reserves significance for this area and the retained cut, lot and ramp and stair structure warrant adverse effect determination. This disagreement can be resolved by adopting the City's proposed minimizations to the parking pedestal and ADA access ramps. Implementation of the proposed trail reconfigurations in the City's plan, when combined with Sound Transit's offered interpretive signage (Section I.J.) could improve the site's ability to interpret the Winters Farm as well as nearby heritage agriculture activities. Section I.I. Replace "Within six months after construction..." with "Prior to the re-occupancy of Winters House, Sound Transit will landscape..." Add City of Bellevue approval of the landscape plan. Reward "historic" plot preservation to "significant" plant relocation, with City of Bellevue approval. Finally, Section I.J. should better define the scope and scale of what Sound Transit is prepared to provide in terms of interpretive signage (is it one plaque or three kiosks?)

City of Bellevue Comments, Submitted August 10, 2011

Response to comment ELFEIS013-2

Sound Transit is a self-insured agency, with liability coverage sufficient to cover the costs of any unforeseen damage that could occur at the Winters House. Sound Transit also has an established claims process that allows for any person or entity to submit a claim once the project is operating if that person or entity believes the project has caused physical damage to their property.

Response to comment ELFEIS013-3

Temporary relocation of the Eastside Heritage Center (EHC) during construction is not considered an impact to a historic resource and therefore this level of detail is not considered necessary in the MOA. However, the MOA has been revised to include more specific provisions related to assistance with temporary relocation of EHC as well as reimbursement for allowable moving expenses once EHC moves back into the Winters House. FTA will invite Eastside Heritage Center as a concurring party in response to their request.

Response to comment ELFEIS013-4

The MOA has been revised and now includes a provision that Sound Transit will conduct and assess vibration and ground-borne noise measurements within one year of beginning East Link operations. Sound Transit and the City of Bellevue are also working together to refine conceptual designs for parkland impact mitigation, including the area surrounding the Winters House, blueberry farm/retail operations, and trails. This coordination will continue during final design. The MOA has also been revised to clarify Sound Transit's commitment to provide a new interpretive signage at the Winters House.



No comments

- n/a -



- Concept Benefits**
- Co-locates public access for the blueberry farm, produce sales and trailhead at Winters House. This alleviates visual proximity impacts and degraded pedestrian and vehicle access to the existing farm site caused by elevated light rail just north of the park and ride
 - Better preserves the 50 foot historic buffer around the Winters House and better screens view of rail from Winters House, farm and trails
 - Provides several scope reductions to Sound Transit's B2M design to help offset the cost of the relocated farm stand and trail segments
 - Designed to stay within the footprint of Sound Transit's B2M project limit to minimize additional impacts to wetland and wetland buffer
 - May provide new wetland mitigation sites at the farm stand site
 - Creates opportunity a short new accessible loop trail ideal for historic interpretation of the Winters and Ostbo farms

August 14, 2011

The Federal Government
Cc: John Witmer

These comments below are on the FEIS submitted by Sound Transit (ST).

I have underlined sections in the FEIS that question the validity of the basis of assumption and/or lack factual analysis to make the assumptions. **My comments are bolded in larger font.**

“3.6.4.2 Roadway and Parking Impacts, page 3-96

Impacts Common to All Segments

In all segments, construction would affect roads, close lanes, require detours, and alter traffic patterns. Cross streets that intersect the alternatives would likely be partially closed for short durations to construct the track or other associated features through the intersection. Likewise, temporary closures of private driveways and any roads that need to be paved would also occur. If driveway closures are required, then property access to residences and businesses would be maintained to the extent possible. If alternative access is not available, then the specific construction activity would be reviewed to determine if it could occur during nonbusiness hours, or if parking could be provided at an alternative location.

Segment B

Civil construction activities would likely close one northbound lane along Bellevue Way SE for the Preferred Alternative B2M with additional lane closures possible at times. Motorist information and advance signing would be provided to encourage usage of parallel routes such as I-405. Even with signal detour routes, congestion would likely increase for northbound traffic on Bellevue Way SE between I-90 and 112th Avenue SE, and therefore, up to two intersections would operate at LOS F compared with one intersection in the no-build condition during the civil construction period. Additionally, increased congestion would be expected along the signed alternate routes. The potential for traffic to cut through the Enatai neighborhood and travel along 108th Avenue SE to bypass the construction zone along Bellevue Way SE during the afternoon peak would be low because cut-through routes in this area are limited and circuitous.”

These statements appear to undo the other. ST states that traffic will be altered, but then says cut through traffic would be low because of limited and circuitous routes. This needs additional review as the actual routes show through City of Bellevue decades long traffic counts that the amount of cut through increases each year. Where did ST find the factual analysis to make this assertion? ST also only states the Enatai neighborhood would be affected, but the Bellecrest and Surrey Downs neighborhood would also be affected.

Response to comment ELFEIS014-1

The first statement generally describes construction impacts and that it would affect roads, close lanes and require detours and alter traffic patterns. Further elaboration of that statement is described later in Section 3.6 under Segment B where it is suggested that a potential detour route to any construction impacts would be I-405. During the afternoon peak period, the majority of congestion along Bellevue Way occurs in the southbound direction towards I-90. Preferred Alternative B2M is likely to close one northbound lane, which would not affect the number of southbound lanes, therefore the potential for more traffic heading to I-90 to cut through Enatai is considered low.

Response to comment ELFEIS014-2

As congestion is expected to increase on 112th Avenue SE during construction, signed detour routes are proposed on the arterial streets, such as Bellevue Way and SE 8th Street or regional highways such as I-405. Motorists would be discouraged from using 108th Avenue SE through signage and/or other measures developed with the City of Bellevue during the permitting phase of the project. Access with 112th Avenue SE would also be maintained to the extent possible. Sound Transit and the City of Bellevue will further developed detailed construction plans that will identify the access modifications and detour signing along the route during the final design and permitting phases of the project. The Final EIS includes analysis of closing SE 4th Street access to 112th Avenue SE under Alternative C11A during operations.

ELFEIS014-1

ELFEIS014-2

3.6.4.2 Roadway and Parking Impacts

During construction along 112th Avenue SE for Preferred Alternative B2M connecting to Preferred Alternative C11A, traffic diversions to other parallel arterials, such as Bellevue Way SE and SE 8th Street, and regional facilities, such as I-405, would be likely.

The probability of traffic using 108th Avenue SE between Bellevue Way SE and Main Street to bypass the construction zones along 112th Avenue SE would be discouraged by the existing traffic-calming devices (slow speeds and speed bumps) and motorist information and advance signing directing vehicles to other arterials and regional facilities."

ELFEIS014-2

As stated above, there already exists on 108th SE between Main and Bellevue WA SE signage that this is a neighborhood and has speed bumps, however, this needs additional review as the actual routes show through City of Bellevue decades long traffic counts that the amount of cut through increases each year city. Also, there is no analysis to show what will happen to the additional traffic on 108th SE when SE 4th is closed on 112th SE. Additional analysis should be done to show what will happen to the traffic pattern in this scenario. Traffic traveling east on east/west arterials in the southern part of downtown continue to use 108th SE to get to Bellevue Way SE and to I-90. Enatai, Bellecrest and Surrey Downs all have cut-through traffic from cars both entering and exiting the downtown.

3.7.2 Affected Environment

3.7.2.1 Pedestrian Activity, Sidewalks, and School Walk Routes

B Section:

The South Bellevue Park-and-Ride Lot is the primary transit facility serving the South Bellevue neighborhoods. Pedestrian activity around this park-and-ride area is not as high as in other areas in the study area because of the surrounding residential neighborhoods and Mercer Slough Nature Park. Crosswalks are located at the signalized entrance to the park-and-ride lot. Sidewalk is absent along the western side of Bellevue Way SE, south of 112th Avenue SE, because of right-of-way constraints associated with the topography."

ELFEIS014-3

Many people use the Mercer Slough trails and there is a high level of pedestrian activity here. How will ST mitigate for this safety issue? Current analysis fails to show how this park will be impacted and suggested mitigation falls short. Sidewalks are not in all areas of the Enatai neighborhood and will present a serious safety risk to children traveling to and from Enatai Elementary. Even with sidewalks, the amount of cars that travel on Bellevue Way SE and 112th SE number over 45,000. This kind of

Response to comment ELFEIS014-3

This section describes the existing environment around the South Bellevue Park and Ride area. It is correct that people do use the trails in Mercer Slough Nature Park, but relative to downtown Bellevue and other large commercial areas in the corridor the pedestrian volumes are much lower here. Even so, the East Link alternatives around the South Bellevue Station are elevated and therefore are separated from the pedestrian activity in Mercer Slough Nature Park and not expected to create a safety concern. Signalized crosswalks will be provided as stated, for pedestrian access from the west side of Bellevue Way to the station area.

ELFEIS014-3

volume is dangerous in a neighborhood, and even sidewalks cannot give safety to this amount of traffic.

"3.7.3.2 Segment B
Pedestrian and Bicycle Circulation (these comments apply to both)

With light rail, most trips at the South Bellevue Station with Preferred Alternative B2M would consist of people making transfers among different motorized modes (i.e., automobile or bus); therefore, most pedestrian activity at the South Bellevue Station would occur within the station and park-and-ride lot areas. Much of the land use surrounding the station is a combination of residential and recreational uses. Generally, the pedestrian circulation between the South Bellevue Station and the surrounding neighborhoods is disconnected because of the uphill terrain west of the station."

ELFEIS014-4

If this is the case, then why does ST make the argument that the neighborhoods will flock in droves to the station to ride the train? They will not. There are people who walk to the transit center already to ride the bus. These statements appear to undo the other.

"With Preferred Alternative B2M, the South Bellevue station would be located near the Mercer Slough where bicyclists could connect to the I-90 Trail and the 118th Avenue SE Regional Multiuse Trail. As a result, an increase in bicycle activity on these trails would likely occur. Impacts on trails in Segment B would include acquiring right-of-way along 112th Avenue SE for the Preferred Alternative B2M. This alternative would require using narrow portions of the Mercer Slough Park's western boundary, requiring a portion of the Heritage Trail that is within the Mercer Slough to be relocated."

ELFEIS014-5

Concern is raised to taking parkland and relocating parts of a Heritage Trail – but no mention is made of where and how this will be accomplished. The alignment on 112th also takes a city of Bellevue neighborhood approved nature trail improvement that had been voted on and approved – now stopped because of this potential alignment.

"4.1 Displacements
Page 4-1-11"

ELFEIS014-6

ST has not given specifics on exactly how many homes nor for staging.

"4.2 Land Use
4.2-1 "TOD can be an indirect result of a light rail project". land use is looked at .5 mile radius."

ELFEIS014-7

There is no TOD planned for South Bellevue along Bellevue Way and/or 112th SE, yet ST is acknowledging that TOD is an indirect result. What

Response to comment ELFEIS014-4

Sound Transit is expecting many people to walk and bike to the East Link stations but every station has different characteristics. Refer to Table 6-17 in Appendix H1 of the Final EIS for the mode of access information at the South Bellevue Station. Most of the riders from the South Bellevue station will be either from bus transfers or vehicles.

Response to comment ELFEIS014-5

Impacts to parks and trails are described in Section 4.17 of the Final EIS. Trail relocation details will be determined during final design of the East Link Project. Although it is unclear which approved neighborhood nature trail the comment refers to, information on planned trails was provided to Sound Transit by the City of Bellevue and utilized in the EIS analysis. If the City of Bellevue has cancelled plans for a trail improvement, then that trail would not have been considered in the Final EIS analysis.

Response to comment ELFEIS014-6

Section 2.4.2 of the Final EIS describes construction staging areas and states that staging areas have only been identified in Segment C because of the dense urban environment. The tables and maps in Appendix G2 identify each potentially affected parcel by alternative. Specific details regarding acquisitions will be identified during the final design period.

Response to comment ELFEIS014-7

This sentence is taken out of context. As stated in the introduction to the land use analysis, there are several conditions that must be present for TOD to be an indirect result. One of the primary conditions necessary is local land use policy and zoning regulations that supportive of TOD. As stated in the Segment B discussion on page 4.2-18 of the Final EIS, the South Bellevue Station was rated as having low potential for TOD.

ELFEIS014.7

this has already invited in PRE-CONDEMNATION BLIGHT into our neighborhoods. Sue Comis, of the ST, has stated to me that 'ST does not want to do the B7 route because you can't do TOD.' This is a very concerning comment and appears to be a willful directive of ST to establish its own zoning wishes on cities with home rule.

"4.2-14) and Use

"Of the known visual and noise impacts, none would negatively impact existing or future use of the land ""

This statement lacks any factual relation to any of the alignments that ST has built to date – and will in the future. A train introduced into a quiet, peaceful, arboreal single family neighborhood with 1000's of trees, a 300 acre nature park (Mereer Slough), and abundant wildlife will indeed impact the existing and future use of the land. There appears to be a willful obfuscation of the real intent which is to densify via TOD an area that is ill equipped to handle this sort of development and more importantly, is protected by land use codes, comprehensive plans and long time city council policy to direct light rail to the BNSF/405 corridor and keep it off Bellevue Way and 112th.

"4.3-12) and Use

"Proximity to a light rail route, rather than a station, might also result in decreased property values. Disruptive noise levels, light shadow and view impacts; and reductions in vehicle access and parking when property values depend on access. Negative impacts on property values are most likely to occur when the light rail project results in noise and visual impacts noticeably greater than what currently exists."

ELFEIS014.8

ST just stated above (in 4.2.14) the light rail project will have no negative impact of existing or future use. One comment appears to undo the other again. By all accounts, even ST own analysis, the visual and noise impacts will be noticeably greater than what currently exists. How can ST make these contradicting assertions?

"Section 4.5 Visual and Aesthetic Resources, and Section 4.7 Noise and Vibration, suggest there is relatively little potential for these impacts to be of a sufficient magnitude to result in negative property value impacts."

ST just stated above (in 4.2.14) the light rail project will have no negative impact of existing or future use. One comment appears to undo the other again. By all accounts, even ST own analysis, the visual

Response to comment ELFEIS014-8

The Final EIS quote identified in this comment from page 4.2-14 is relevant to the type of existing and future use of the land near the East Link Project. The environmental impacts would not be severe enough to necessitate a change in land use. Please see response to comment #ELFEIS014-7 above regarding TOD. Visual, ecosystem, and park impacts are discussed in Sections 4.5, 4.8, and 4.17 respectively. The East Link Project's consistency with plans and policies is discussed in Section 4.2.3.2 of the Final EIS. The Final EIS quote identified in this comment from page 4.3-12 describes results of a study which shows that light rail throughout the United States may decrease property values if certain conditions are met. Although the environmental impacts of the East Link project has the potential to decrease property values in certain locations (as described in the quote from page 4.3-12), these impacts are unlikely given the conclusions of the noise and visual analysis which are presented in Sections 4.5 and 4.7, respectively, of the Final EIS.

ELFEIS014-8

and noise impacts will be noticeably greater than what currently exists. Why is and how can ST make these contradicting assertions?

"4.3.13 Land Use
Noise impacts would be mitigated, thus reducing substantially the likelihood that noise or vibration would contribute to negative property value effects."

ELFEIS014-9

If this is the case, why has ST not mitigated the noise impacts in Central Link? Why has ST now requested a Request for Proposal (RFP) for homes up to 600 feet away from the alignment? Again, why is and how can ST make these contradicting assertions?

"4.4.3.2, Impacts During Operation, Neighborhood Quality
The East Link Project would result in impacts on a number of properties located along neighborhood boundaries. Those nearby might be affected by the changes due to the East Link Project, however, the overall neighborhood quality would not change because the project alternatives travel along existing arterials, which in many instances already act as boundaries for the neighborhoods."

ELFEIS014-10

ST states that the arterials act as boundaries to neighborhoods, which is true. However, ST is proposing to change these arterials by adding trains along side the arterials, thereby taking properties and homes. Analysts has not been sufficient or factual to show the impacts that will occur when the neighborhood boundaries are removed and do not exist anymore as well as a train introduced into the previously arboreal and quiet neighborhood. Overall neighborhood quality is affected when any part of the neighborhood is affected.

"4.4.3.2, Property Acquisitions and Land Use Changes
Property acquisitions impacts would not adversely affect neighborhood quality because the project is primarily located along the edge of the neighborhoods and either on or adjacent to existing roads, which does not create barriers."

ELFEIS014-11

Where is the factual analysis that property acquisitions would not adversely affect the neighborhood quality? Pre-Condensation Blight has already affected our neighborhood. The project is not primarily located along the edge of neighborhoods, it is proposing to take properties from homeowners to build the line since backyards are directly next to both Bellevue Way and 112th. ST is hiding the truth from the federal government and should be suspect in anything it gives to the federal government.

Response to comment ELFEIS014-9

Please see Section 4.7 and Appendix H2 of the Final EIS for the noise analysis. Since opening the light rail, Sound Transit has continued to implement noise mitigation, including residential sound insulation in the Rainier Valley. Noise levels in Tukwila have been reduced to below FTA criteria.

Response to comment ELFEIS014-10

The East Link Project would not result in the removal of neighborhood boundaries since they would be located in or along the side of existing arterials, which in many cases act as boundaries for the neighborhoods as described in the quoted text in Section 4.4.3.2 of the Final EIS. The East Link project would not remove the arterials, but would be added to them. Please see Response to Common Comment #CC4.4a in Chapter 7 of the Final EIS for a discussion of impacts to neighborhoods in Bellevue.

Response to comment ELFEIS014-11

The acquisition and removal of residential units along 112th Avenue SE would be replaced with landscaping, noise barriers and vegetation that separate the neighborhood from the guideway. Please see response to comment # ELFEIS014-10 regarding neighborhood boundaries.

"4.4.3.2 Visual or Physical Intrusion. While the East Link Project would introduce another form of transportation, the project would be located primarily within heavily developed urban areas and the alternatives would be located along major transportation facilities where light rail is generally compatible (eg local roads, freeway infrastructure, powerlines, tall building), so the impacts related to visual quality would generally not adversely affect neighborhood quality for the entire neighborhood."

44105014-12

Please come and see this area for yourself! This statement is purely and simply false and ST should be investigated immediately for the blatant falsehood this entire FEIS is built upon. This area south of Main Street (Bellevue Way and 112th SE) is not a heavily developed urban area, so introducing a train into a quiet, peaceful, arboreal single family neighborhood with 1000's of trees, a 300 acre nature park (Mercer Slough), and abundant wildlife will indeed impact the visual quality and will adversely affect the neighborhood quality for the entire neighborhood.

"4.4.3.2 Transportation and Parking

Traffic impacts that would result from the East Link Project can be mitigated. Park-and-ride lots associated with the stations would be expected to attract more traffic and could impact traffic operations more than if the project were not constructed. In addition, because the alternatives are mostly located within or adjacent to existing arterials, the traffic impacts on the surrounding neighborhoods are expected to be minimal.

44105014-13

ST has used traffic counting analysis that has been found to be different than the PSRC and City of Bellevue (COB) Industry standards (BKR). Why has ST used different traffic standards? These numbers show a considerable discrepancy in projections. Bellevue Way SE is a highly congested transportation corridor. Adding a 1500 stall parking garage into this corridor will undoubtedly affect the already voluminous cut through traffic into the neighborhoods. Where is this analysis?

"4.4.3.2 Noise and Vibration

Where alternatives are at grade and the roadway must be widened to accommodate the light rail system, traffic noise impacts could increase. However, after noise mitigation has been introduced (eg sound walls, special trackwork, and/or building insulation) no adverse noise-related impacts would occur, and noise would not negatively affect the overall neighborhood quality for the entire neighborhood. In addition, there are locations within Segments C and E where vibration impacts might not be mitigated to levels below FTA criteria. Sound Transit would refine analysis of these locations during final design to further minimize or eliminate the impacts.

44105014-14

Response to comment ELFEIS014-12

The East Link alignment would be located along Bellevue Way and 112th Avenue SE, which is an existing major arterial transportation corridor. Single family neighborhoods would be located to the west of the preferred alternative, while areas to the east consist of parkland and commercial land uses. The alignment would not bisect neighborhoods.

Response to comment ELFEIS014-13

The transportation analysis methodology and assumptions, specifically the modeling approach for this project, are described in detail in Appendix A of Appendix H1 of the Final EIS. Because the East Link project is a regional project spanning many jurisdictions, the adopted regional PSRC model (with detailed transportation network refinements from the Bellevue-Kirkland-Redmond [BKR] model) was utilized for the travel demand forecasting. For the traffic operations along Bellevue Way, refer to Section 3.6.3.2 that describes the improvements planned along Bellevue Way SE to improve the access and circulation surrounding the South Bellevue Station. With these roadway improvements, the intersection LOS is expected to be similar to No-Build conditions therefore the potential for cut-through traffic is expected to be low.

Response to comment ELFEIS014-14

Please see Section 4.7 and Appendix H2 of the Final EIS for the noise analysis. Please see response to comment # ELFEIS014-9 regarding Central Link noise impacts.

ELFEIS014-14

ST, once again, states that after noise mitigation, no adverse noise related impacts would occur and noise would not negatively affect the overall neighborhood quality. This statement lacks truth and also lacks any justification per ST previous attempts to mitigate noise. ST continues to attempt to mitigate noise in Central Link, having made all manner of claims that 'all noise will be mitigated' when in fact, THEY HAVE NOT BEEN ABLE TO. Also, while ST may be able to lessen some of the noise inside homes, they are not able to mitigate the noise outside the home. Our properties include more than our home and should be mitigated as such.

"4.4.3.2 Safety and Security

None of the alternatives would travel through existing neighborhoods but rather would travel along the edges of neighborhoods along existing arterials. The Segment B alternatives would acquire some property acquisitions, displace some residences and businesses, result in some minor changes in property access, remove vegetation and add new structures; these impacts can negatively affect nearby residents and businesses. These impacts are not expected to markedly alter the overall land use or development character of the neighborhoods located within Segment B because the neighborhoods are well defined, with roadways such as Bellevue Way SE and/or 112th Avenue SE serving as an existing boundary. Therefore, the project is not expected to interrupt neighborhood social interactions. Although there would be impacts associated with the East Link Project, the overall neighborhood quality in the affected study area would not likely change.

ELFEIS014-15

Both the B and C sections south of downtown Bellevue along Bellevue Way and 112th W.I.L. TRAVEL THROUGH EXISTING NEIGHBORHOODS – why else would property acquisitions and displacements occur? This statement is not factual. These impacts will markedly alter the land use and character of these neighborhoods because the boundaries have been REMOVED. Not only will social interactions be interrupted, but a quiet, peaceful, arboreal neighborhood will be RUINED. Please come and see this area for yourself. Do not let ST get away with these falsehoods.

"4.4.3.2 Community Resources

The East Link Project is not expected to result in long-term operation impacts on the civic community resources (e.g., parks, churches, and schools) located within the study area, except for a few park resources where portions of the resource would be permanently impacted, as described in Section 4.17, Parkland and Open Space. These impacts would primarily be felt by those close to the facilities and would not result in permanent adverse impacts on the surrounding neighborhoods."

ELFEIS014-16

Response to comment ELFEIS014-15

The East Link alignment would be located along Bellevue Way and 112th Avenue SE, which is an existing transportation corridor. As described in Section 4.4.3.2 of the Final EIS, Bellevue Way SE and 112th Avenue SE are major arterials and serve as existing neighborhood boundaries; therefore, East Link would not remove boundaries but modify the boundary along 112th Avenue SE where homes would be displaced to accommodate the light rail line. The displacements that would occur are all located on the edge of the neighborhood and as previously stated, are almost all properties whose primary access is from 112th Avenue SE and not from within the neighborhood.

Response to comment ELFEIS014-16

Please see Section 4.17, Parkland and Open Space in the Final EIS for a discussion of park impacts. Compliance with local regulations, such as those for Critical Areas and Shoreline Management, will be determined during the permitting process.

ELFEIS014-16

This project is permanently taking portions of the Mercer Slough, the Surrey Downs Park and 1000's of trees. These community resources are IRREPLACEABLE. The surrounding neighborhood will indeed result in permanent adverse impacts by taking away a key part of them - their proximity to the parks and nature that we all moved here for.

The City of Bellevue has Comprehensive Plan Policies, Critical Areas Ordinance (CAO) laws, Shorelines laws, Best Practices regarding our laws for protecting the arboreal nature of the South Bellevue Subarea. ST purports to have to abide by all these laws yet fails to show how they will.

These definitions show clearly the impacts that will result from a placement of a train introduced into a peaceful, arboreal area:

4.5 Visual and Aesthetic Resources

Impacts on the visual environment are defined in terms of the extent to which the project's presence would change the perceived visual character and quality of the environment.

High Visual Quality. To be in this category, areas must be memorable, distinctive, unique (in a positive way), and intact—they can be natural, parklike, or urban (with urban areas displaying strong and consistent architectural and urban design features)."

4.5.2.2 Segment B

The character and visual quality of south Bellevue is varied. All Segment B alternatives pass south and southeast of residences in the Enatal neighborhood. A few residences in this area have views to the south and southeast that include Lake Washington and adjacent areas, Mount Rainier, and I-90. Because of the presence and proximity of I-90, this viewshed has been categorized as having medium visual quality. With the exception noted below, most of Bellevue Way SE passes by single-family residential and mixed (i.e., small commercial, churches, and multifamily) land uses that have a pleasant, but not out-of-the-ordinary, appearance with medium visual quality."

ELFEIS014-17

These segments pass through the Enatal, Bellecrest, Bellefield, Bellefield Manor, and Surrey Downs neighborhoods. It is concerning that ST has neglected to mention the other neighborhoods in this section of the alignment. Many of these residences have views both to the south and the east. These homes along the east have views of the Mercer Slough, the Wilburton Train Trestle, the Cascade mountains and territorial views of forested areas. These views are one of the many reasons people invested in homes in this area. The quiet arboreal nature of this area cannot be stressed enough and the impact that introducing a train into will forever ruin the natural beauty and visual quality.

Response to comment ELFEIS014-17

Your comment has been noted. The preferred alternative would be located along an existing transportation corridor through Bellevue. Please see the discussion of visual impacts along the entire alignment in Section 4.5.3 of the Final EIS. Existing visual character and quality in Segment B is described in Section 4.5.2.2 of the Final EIS. Please see Section 4.17.3 of the Final EIS for a discussion of park impacts including impacts to Mercer Slough Nature Park. Section 4.7.3 of the Final EIS describes noise and vibration impacts. As previously stated, the project would not pass through the listed neighborhoods but would be located adjacent to these neighborhoods on major arterials. Please see Response to Comment # ELFEIS014-22 regarding visual impacts.

4.5.2.2 continued: “Bellevue Way SE between I-90 and the South Bellevue Park-and-Ride has a medium visual quality. The portion of Bellevue Way SE between the north end of the South Bellevue Park-and-Ride and the intersection with 112th Avenue SE, however, was categorized as having high visual quality. The east side of Bellevue Way SE passes by Mercer Slough Nature Park, the Mercer Slough Blueberry Farm, and the Winters House and parking lot. Areas along both sides of the road contain considerable vegetation, particularly the slope west of the Bellevue Way SE. This vegetation screens views into much of Mercer Slough Nature Park from most of Bellevue Way SE. Bellevue Way north of the intersection with 112th Avenue SE is of medium visual quality with no distinctive visual attributes.”

“The portion of 112th Avenue SE between its intersection with Bellevue Way SE and SE 8th Street has a high visual quality. The areas adjacent to 112th Avenue SE have a “boulevardlike” appearance with well-maintained landscaping and memorable views of Mercer Slough West within the Mercer Slough Nature Park and otherwise suburban residences and the Bellefield Office Park.”

“Views along the portion of the route that is adjacent to I-405 and along 118th Avenue SE are visually dominated by I405 and nearby large parking lots and were categorized as having low visual quality.”

The area between Bellevue Way SE/I-90 and the South Bellevue Park and Ride (SBP&R) is termed as medium visual quality. This area looks much like the area north of the in that it has large expanses of views of the Mercer Slough, large park area of grass, wooden cross beam fences lending to the arboreal quality. As stated, the areas continuing onto 112th SE are high visual quality. Very arboreal, very green, with 1000’s of mature trees. This area will be significantly and adversely impacted by the train alignment and the noise and vibration impacts. This area has much wildlife activity coming to and from the Mercer Slough to the neighborhoods directly west.

“4.5.2.3 Segment C

Downtown Bellevue is an area in transition. Areas adjacent to Bellevue Way SE and 112th Avenue SE leading from Segment B into Downtown are likewise in transition. The areas are not particularly memorable, distinctive, or unique and, thus, have a medium visual quality category.”

What transition is ST referencing? This area is in the Southwest Bellevue Subarea where generations have lived in stable, well-maintained neighborhoods since the 1940’s. Where is the mention of the beautiful medians, Mercer Slough park land, wildlife, public art, duck crossing signs, 1000’s of trees and our neighborhoods and why is it not mentioned? Why does

Response to comment ELFEIS014-18

The description of Downtown Bellevue as an area in transition refers to the mix of new and old buildings in this area. Page 4.5-8 of the Final EIS (in the paragraph following the quoted text from Section 4.5.2.3) states that much of Downtown Bellevue is continuing to evolve from areas of low-rise automobile-oriented commercial complexes to dense, large-scale, mixed use mid and high-rise buildings that have a highly urban character. It is important to note that the Segment C boundary is at approximately SE 6th Street, north of many of the features mentioned in this comment.

ELFEIS014-18

it appear that ST is trying to discount and make disappear these areas to bolster their flawed analysis?

"4.5.3 Environmental Impacts

Please pay close attention to the definitions of various impacts on visual and aesthetics.

"4.5.3.1

The No Build Alternative may contribute to lower density redevelopment, thereby maintaining lower profile commercial development and low to medium visual quality."

ELFEIS014-19

The No Build alternative specifically calls out that it will be lower density redevelopment, then one must assume that any build alternative will contribute to higher density. There is no TOD planned for South Bellevue, or so ST now tells us, despite Sue Combs (the ST south Bellevue project engineer) telling us otherwise. Which is it?

"4.5.3.2 Impacts Common to All Build Alternatives

All the build alternatives would change the visual environments in which they would be built."

ELFEIS014-20

However, it would not change the B7 – already in a train corridor and that parallels the freeway via a frontage road.

"4.5.3.2 Potential Impacts by Alternative

Most sections of the alternatives examined in this Final EIS would be consistent with their existing visual surroundings in terms of character and would not change the visual quality category of those surroundings."

ELFEIS014-21

You cannot inject a train in a quiet, peaceful single family, arboreal area and expect that there would not be significant and adverse impacts that cannot be mitigated. Where has ST successfully introduced such an alignment into an area such as this?

"4.5.3.2. Potential Impacts by Alternative

Segment B

From Segment A, Preferred 11th ST Modified Alternative (B2M) would follow I-90 south of, and past, the Enatai neighborhood. The top of the elevated guideway, the overhead catenary system (OCS), and passing trains would be seen from some areas but would be consistent with the existing character of the view, which is dominated by the elevated I-90 (see Appendix F4.5, Exhibit F4.5-3, Photo 3b).

ELFEIS014-22

Response to comment ELFEIS014-19

This statement applies generally to the entire project corridor, and the actual statement in Section 4.5.3.1 is that the "No Build Alternative may contribute to lower density redevelopment". This implies that low density development may or may not occur anywhere in the project corridor. It does not imply that the project will lead to TOD in South Bellevue.

Response to comment ELFEIS014-20

This comment is noted. The discussion of Alternative B7 in Section 4.5.3.2 notes that it would be noticeable within Mercer Slough Nature Park, where the elevated structure would be visible from the I-90 trail as well as some areas beyond the trail within the park.

Response to comment ELFEIS014-21

This is another generic statement that applies to the entire project corridor and should not be inferred to apply to a specific alternative. It clearly states it applies to "most of the alternatives", and the following sentence states that "exceptions in each segment are described in subsections below."

Response to comment ELFEIS014-22

As described in Section 2.3.2.2 of the Final EIS, only 3 stories of the South Bellevue Station parking garage would be above Bellevue Way SE. Table 4.5-1 states that "design-related measures such as shielding and altering light direction would be used where appropriate to reduce potential impacts." As described in the Final EIS, project components associated with B2M would be seen in the Enatai neighborhood and the portion of the Mercer Slough Nature Park and Bellevue Way SE near the South Bellevue Park-and-Ride. The presence of these components would not lower the existing visual quality category of medium to low. The area would still contain views of trees, the Mercer Slough Nature Park, I-90 and points south beyond I-90 and would retain its medium visual quality. The areas the commenter refers to as Bellecrest, Bellefield Manor,

Preferred Alternative B2M would not change the view's existing medium visual quality category. Preferred Alternative B2M would approach the South Bellevue Park-and-Ride from the I-90 corridor as an elevated structure and would remove existing trees south of the park-and-ride lot (in the southwest corner of Mercer Slough Nature Park). The elevated station and parking structure would be noticed from areas such as Bellevue Way SE, parts of the Mercer Slough Nature Park, and residences west of Bellevue Way SE (to varying degrees) (see Appendix F4.5, Exhibit F-4.5-4, Photo 4b).

The presence of station, parking structure, and sound walls along the western edge of the South Bellevue Park-and-Ride would change the appearance of the existing South Bellevue Park-and-Ride area. However, its facilities would be consistent with the transportation-oriented character of the existing park-and-ride lot and nearby I-90 structures and would not lower the existing medium visual quality category to low.

This does not take into account that the elevated train and catenaries will be significantly above I-90 and represent a completely new obstruction into their view. This area looks much like the area north of the in that it has large expanses of views of the Mercer Slough, large park area of grass, wooden cross beam fences lending to the arboreal quality. As stated, the areas continuing onto 112th SE are high visual quality. Very arboreal, very green, with 1000's of mature trees. Nor does it mention the light pollution that a 5 story parking garage and a 300 foot station will emit both into the neighborhoods and into the Mercer Slough, upsetting the natural environmental and harming the wildlife. While Bellevue Way may be a major arterial, there are no five story parking garages nor is there a 300 foot station that is completely different the natural area it currently is. This area will be significantly and adversely impacted by the train alignment and the noise and vibration impacts.

Where is mention of the Bellecrest, Bellefield Manor, Bellefield and Surrey Downs neighborhoods? The analysis continues to ignore neighborhoods in the affected area.

Table 4.5-2 is completely inaccurate in portraying the decimation of views along Bellevue Way SE and 112th Ave. SE.

4.5.3.2. Potential Impacts by Alternative

Preferred Alternative C1A from Preferred Alternative B2M would remove vegetation along the east side of 112th Avenue SE (including street trees north of SE 6th Street to Main Street). Removing residences and vegetation from Surrey Downs Park to Main Street on the west side of 112th Avenue NE would be noticeable in views from adjacent properties and to people traveling on 112th Avenue SE and would create an open space of approximately 50 feet (backed by sound walls) between the light rail and residences that would remain in place. This area would be

Bellefield and Surrey Downs are included (but not specifically identified) in the discussion of impacts along 112th Avenue SE. Noise and vibration impacts are discussed in Section 4.7 and Appendix H2 of the Final EIS, and appropriate mitigation is identified to mitigate impacts. Mitigation for the Preferred Alternative is also included in Appendix I of the Final EIS.

Response to comment ELFEIS014-23

The area that would be cleared and opened up is between 20 and 30 feet below the abutting properties on 112th Avenue SE, and while some of the vegetation loss would be noticeable from these properties, the project would not be directly visible to many of these residents. The area of Surrey Downs Park that would be removed for Preferred Alternative C9T is entirely landscaping and parking lot and does not include active uses. Please see the Section 4.17 and Appendix D of the Final EIS. High visual quality is an exceptional rating. Rarely does an arterial transportation corridor meet this rating. The 112th Avenue SE corridor has both commercial uses, with fronting parking lots on one side and the other is mix density residential and park. The roadway has mixed types of grown trees without uniformity in planting to type. The sidewalks are narrow sidewalks and there are a large mixture of commercial and condominium driveways as well as residential roadways. It is pleasant but does not meet the high visual quality rating.

landscaped and create a more open roadway appearance. The project and its landscaping would maintain the existing medium visual quality category (see Appendix F4.5, Exhibit F4.5-13, Photo 15b).

From the connection with Preferred Alternative B2M, the at-grade portion of Preferred Alternative C7T passes through the eastern edge of Surrey Downs Park and would remove vegetation. A SE 4th Street realignment through Surrey Downs Park would change the appearance of the portion of the park through which it passes (part of which is currently partially used for parking). The visual quality of this area would not be lowered from medium to low after construction and replanting.”

ELFEIS014-23

Removing vegetation, ie many, many trees and medians, adding walls and and 'open space' will be extremely noticeable to viewers, particularly the residents that are remaining. This area is a high visual quality, with low density, treed areas that protect the single family neighborhoods and provide a graceful entry to our city. ST has failed to provide factual analysis that this is a medium visual quality category, when in fact, it is a very high visual quality. Taking park land that serves as both visual respite and passive and active recreation is a very serious action and should be viewed very strongly as making the case for feasible alternatives. The misrepresentation of the visual quality that will be irreparably harmed and adversely impacted along the B and C alternatives (south of downtown Bellevue) cannot be stated enough. B7 is that feasible and better alternative.

“4.5.3.4 Consistency with Comprehensive Plans As discussed throughout the visual analysis by alternative, Sound Transit’s assessment of the East Link Project’s consistency with visual resource goals and policies of relevant local comprehensive plans found that with two exceptions, none of the general plans or subarea plans contain specific goals and policies for aesthetic or visual resources. However, most of the plans contain guidance relating to maintaining and improving the appearance of the physical environment. The two exceptions are as follows:

ELFEIS014-24

- Bellevue Comprehensive Plan urban design element that encourages new projects to be designed to avoid shadows and allow access to sunlight, particularly for areas that receive pedestrian use
 - Section 20.25A.100.1.6 (View Preservation Corridor) of the City of Bellevue’s Downtown Core Design District Guidelines that identifies view preservation corridors
- Section F4.5.1 (Visual Consistency with Comprehensive Plans) of Appendix F4.5 (Visual Consistency and Key Observation Point Analysis) discusses the consistency of the Preferred Alternatives as well as all others with the visual resources goals and policies of relevant local comprehensive plans and ordinances. Sound Transit will coordinate with the local jurisdictions to design the project consistent with pertinent policies, design guidelines, and regulations relative to visual and aesthetic resources.”

Response to comment ELFEIS014-24

Your comment has been noted. Please see Section 4.2.3.2 of the Final EIS which discusses impacts related to consistency with plans and policies. Additional analysis of the project’s consistency with specific City of Bellevue adopted goals and policies is provided in Appendix F4.2 of the Final EIS.

ELFE1501A-21

Here are few of the goals and policies of the City of Bellevue Comprehensive Plan and Southwest Bellevue Subarea Plan:
Environmental - Goals: To retain and enhance existing vegetation on steep slopes within wetland areas, and along stream corridors in order to control erosion, to minimize landslide/earthquake hazard potential and protect the natural drainage systems.

Urban Design - Goals: To encourage the preservation of the existing residential and arboreal character of Southwest Bellevue. To encourage retention and enhancement of historic landmarks.

High Capacity Transit: Policy ETP-21. Confirm Eastside corridors as high priorities for implementation of the regional HCT system. Key corridors for HCT service on the Eastside include I-90, SR405, SR 520, and SR 522.

Policy ETP-23. HCT does not refer to a specific technology or vehicle, but to High Occupancy Vehicle(s), operating on an exclusive right-of-way, guideway or track, providing express service with infrequent stops. HCT is characterized by higher speeds than conventional transit and greater reliability. The regional HCT system could include several different travel modes selected to meet unique needs of the different travel corridors. Specific HCT technologies for Eastside corridors should be selected according to the type and density of present and planned development.

Policy I.U-22. Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood. P Neighborhood Quality & Vitality

Goals:

1. To ensure that single family and multifamily residential neighborhood provide an attractive living environment and that housing is compatible in quality, design, and intensity within neighborhoods and with surrounding land uses, traffic patterns, public facilities and environmentally sensitive features.

2. To ensure the vitality and health of single family and multifamily neighborhoods.

Regional Transit

Policy TR-70. Promote transit use and achieve land use objectives through transit system planning that includes consideration of:

- 1. Land uses that support transit, including mixed use and night-time activities;
- 2. TOD opportunities with the private and public sectors;

No comments

- n/a -

ELFEIS014-24

3. A safe and accessible pedestrian environment, with restrictions on auto access;
4. Integrating multiple access modes, including buses, carpools and vanpools, bicycles and pedestrians;
5. Urban design and community character that support and facilitate transit use; and
6. Protecting nearby neighborhoods from undesirable impacts.

All these, and many other policies are attached. These have all also been submitted to ST.

4.5.4 Potential Mitigation Measures

The following sections describe mitigation measures associated with the proposed project alternatives:

4.5.4.1 Mitigation for All Alternative Operational Impacts

As discussed at the beginning of Section 4.5.3.2, the project includes a number of measures to minimize visual impacts and build a visually compatible transit facility. No mitigation measures would be necessary for Preferred Alternatives A1, B2M, C11A, C9T, D2A, and E2 because there would be no adverse visual quality impacts associated with these alternatives. Mitigation measures specific to identified locations of visual impact are listed below:

ELFEIS014-25

- Bellevue Way SE between the South Bellevue Park-and-Ride and intersection with 112th Avenue SE. This section of Bellevue Way SE would have impacts from Alternatives B1, B2A, B2E, and B3. The retaining walls would receive design treatments such as texture, patterns, color, and possible plantings. Vegetative screening would be provided by Sound Transit for residences where it would be practical and effective in screening views of the light rail.
- 112th Avenue SE median removal. Removing the median in 112th Avenue SE north of Bellevue Way for Alternatives B2A and B3 would be mitigated with additional tree plantings east of 112th Avenue SE, as practical.

ST notes that there will be no visual mitigation for alternatives B2M and C9T. This statement lacks any and all understanding of the nature of this area. Additional analysis is needed by professionals to determine the extent of destruction introducing a train into this area will do.

4.7.1.2 Noise and Vibration Impact Criteria

Parks are considered a special case under the FTA criteria. Whether a park is considered noise-sensitive is dependent on the typical use of the park. Parks that are primarily used for recreational activities or sporting events, such as football, baseball, soccer, and other active sports and recreation, are not considered noise-sensitive. Parks that are primarily used for passive activities, such as reading, conversation, and meditation, in contrast, could be considered noise-sensitive, but only those parks with low existing noise levels.

ELFEIS014-26

Response to comment ELFEIS014-25

Your comment has been noted. Visual impacts during project operation are discussed in Section 4.5.3.2 of the Final EIS. Several peer reviews by qualified professionals were performed on the Draft EIS, which concluded that the environmental review provided a balanced and consistent analysis of alternatives in South Bellevue and used methods consistent with industry standards.

Response to comment ELFEIS014-26

Your comment has been noted. Sound Transit has proposed noise mitigation measures for each location identified with noise levels that meet or exceed the federal criteria. Details on the proposed noise mitigation are provided in the environmental documents. Mitigation for the Preferred Alternative is also included in Appendix I of the Final EIS and in Attachment C to this Record of Decision. The Noise and Vibration Technical Report (Appendix H2 to the Final EIS) did study potential noise impacts at the Bellefield Manor apartments and none were identified. Low-income properties are identified in Section 4.4. The methodology for the noise analysis is described in Section 4.7 and Appendix H2, and is based on modeling that incorporates actual noise measurements and conservative assumptions about potential noise exposure. The noise studies do not assume any noise reducing effects of foliage or topographic variation (i.e., it assumes an unobstructed line-of-sight pathway for noise from buildings decks to the light rail tracks). The FTA criteria are used for light-rail generated noise, FHWA criteria are used for motor vehicle generated noise.

Parks along the proposed corridor were reviewed for use, existing noise levels, and proximity to major noise sources, such as highways and major arterial roadways. Each of these was considered when evaluating the parks and making the determination of the noise sensitivity of the park. In general, parks used for sporting activities or located near highways or major arterial roadways are not considered noise-sensitive.

4.7.3.1 Project Assumptions for Noise Analysis

The procedure used to evaluate the impacts of the project alternatives is based upon the change in the noise level that would be caused by each alternative and the number of dwelling units potentially affected by project noise. For this analysis, attenuation for the noise-reducing effects of ground coverage was not included, and all front-line receivers were assumed to have a line-of-sight view of the light rail trackway unless the trackway was in a retained cut directly shielding the receptor from the tracks.

ELFEIS014-26

All previous FEIS work on noise has been done by Michael Minor. The statements that have been made to the federal government on noise mitigation have been shown to be completely false. Mr. Minor and ST have testified that 'all noise impacts will be mitigated' and that the trains will not travel in areas that use outdoor area. Again, patently false. The federal government has used this information in making decisions that have turned out to have disastrous result and should call into question his entire analysis based on submitting previously false information. Wheel squirting is not working (see Vanessa Zappetti's email attached). The FEIS ignores the Bellefield Manor apartment homes on Bellevue Way/112th SE and the many impacts it will have to these homes, which are low income housing. If line of sight is being used, did this analysis occur during winter? Many more people will be seeing the alignment on Bellevue Way and 112th than with the leaves on the trees. If appears that this methodology will not be applicable to local noise ordinances, only ancillary facilities.

"4.7.3.4 Impacts during Operations. Light Rail and Traffic Noise Impacts

The parks along the proposed alternatives were reviewed for sensitivity to noise, proximity to the alternative, and the potential for noise impacts. The only parks that are considered noise-sensitive under the FTA regulations are the sections of Mercer Slough Nature Park and Marymoor Park, where peace and quiet are an essential part of the park's purpose. In both of these parks, these areas are several hundred feet from the project alternatives, highways, and major arterial roadways. The distance to these areas, and the existing shielding from structures and/or dense vegetation, are sufficient to reduce project noise to below the existing levels. All other park areas along the alternatives do not have noise-sensitive uses and are near major highway or arterial roadways, including I-90, SR 520, Bellevue Way SE, 112th Ave SE NE, 12th Street, and other major roadways, and therefore are not considered noise-sensitive under FTA criteria."

ELFEIS014-27

Response to comment ELFEIS014-27

This statement explains that the peak-transit hour Leq noise generated by light rail operations at these locations would be below the existing ambient hourly Leq noise level. For example, the hourly Leq noise level for light rail operations at McCormick Park, based on measured levels from the existing Central Link alignment, is 64 dBA Leq. The current measured hourly Leq in the park at the same time of day is 67 dBA Leq. Therefore, although the train may still be heard when it passes by, it would not be louder than the existing ambient hourly Leq noise. The noise prediction models for East Link have been updated and verified using measurements taken along Central Link. Therefore, all current noise projections are verifiable with noise measurements from the current light rail system operations.

ELFEIS014-27

It is hard to believe that someone with a professional degree could state this. There is no way that adding a train can bring noise to **BELOW EXISTING LEVELS**. This is purely and simply falsifying statements yet again to the federal government and appears to be purposeful in giving false information. ST is now going in only 600 feet to try to mitigate properties in the Central Link area in hopes this will work. So far, it has not. Why would they continue to give false information? None of the analysis, predictions, projections or mitigations for noise has been correct. Now they are proposing that there will not be much impact and that it can all be mitigated. The federal government is right to question and look with skepticism on this FEIS

ELFEIS014-28

4.7.3.4 Segment B
 "North of the Bellevue Way SE/112th Avenue SE intersection, seven noise impacts are predicted at the single-family residences west of 112th Avenue SE, near SE 17th and SE 14th Streets."
 Where is mention of the residential impacts to the multifamily apartments at the intersection of BW/112th? There is no mention of these residences.

ELFEIS014-29

"4.7.3.4 During final design, final station layout and bus route and light rail operations will be reviewed to ensure compliance with the City of Bellevue noise control ordinance."
 What if they can't? So far, the mitigation has not worked, so how will ST abide by the COB noise ordinance, enacted to protect our properties?

ELFEIS014-30

"4.7.3.4 Vibration and Ground borne Noise impacts
 All impacts identified in the sections below are related to the proximity of the proposed tracks to individual buildings and to the speed of the light rail vehicle. In most cases, the impacts would be limited to buildings within 50 feet of the proposed tracks."
 Potential vibration and groundborne noise levels and impacts reported in this section are described prior to mitigation considerations. Although most impacts can be mitigated, the residual impacts remaining after mitigation are provided in Table 4.7-8. Detailed information and exhibits for each impact are located in Appendix 112."
 This does not take into account outdoor activity in neighborhoods.

ELFEIS014-31

4.7.3.4 Segment B
 "Under all other Segment B alternatives, the only vibration impact would be to a single-family residence with Alternative B1. This impact would occur because of the proximity of the residence to the track and because high-frequency vibration travels easily through the ground in this area."

Response to comment ELFEIS014-28

Under *Preferred Alternative B2M*, no noise impacts are predicted at the apartments located at the intersection of 112th Ave SE and Bellevue Way. Please see Exhibits A-2 and A-3 in Appendix A of the Noise and Vibration Technical Report which illustrate that these properties were analyzed (included as Appendix H2 to the Final EIS).

Response to comment ELFEIS014-29

Central Link meets the local noise ordinance and the East Link Project is expected to meet Bellevue's noise ordinance as well.

Response to comment ELFEIS014-30

As described on page 4.7-1 of the Final EIS, groundborne noise can only be experienced indoors.

Response to comment ELFEIS014-31

Please see Table 4.7-8 on page 4.7-29 of the Final EIS for a summary of potential vibration impacts by alternative. With operation of *Preferred Alternative B2M*, the Winters House is predicted to have a groundborne noise impact that could be mitigated. As described on page 4.7-31 of the Final EIS, the operational vibration levels are projected to be below the FTA detailed impact criteria for human annoyance and well below even the most stringent criteria for damage to structures. Potential vibration impacts to the Winters House during construction are discussed on pages 4.7-35 in the Noise Section and on pages 4.16-18 and 4.16-19 in the Historic and Archaeological Resources sections of the Final EIS.

ELFEIS014-31

But only one home will be affected? There are several references that there will be vibration problems at the Winters House. This does not mention that the Winters House is the only property on the Eastside that is on the National Registry of Historic Places and is over 100 years old and made of stucco. Stucco of one hundred years ago will not withstand this vibration. Please note the Greenbush that references many problems with vibrations and the Winters House. Note that there are none with the B7 alignment.

ELFEIS014-32

"4.7.3.5 Impacts During Construction
Noise levels would be greatest for properties adjacent to Bellevue Way SE and near the elevated segments on I-90, but would be less for those located along 112th Avenue SE, where residences and business parks are set back further from the project corridor in many places."

Homes along 112th are located far closer along 112th Ave. SE and are not set back farther. Also, homes along and to the west of Bellevue Way and some portions of 112th and to the west are above the alignment and will suffer more noise because of topography.

ELFEIS014-33

"4.7.5 Potential Mitigation Measures
4.7.5.1 Noise Mitigation During Operation Sound Transit is committed to minimizing noise levels at the source. This includes using only state-of-the-art vehicles equipped with wheel skirts to reduce noise. In addition, Sound Transit has committed to a maintenance program that includes periodic rail grinding or replacement, wheel tuning or replacement, vehicle maintenance, and operator training, which all help to reduce noise levels along transit corridors. For noise impacts that still exist after these source noise treatments, noise mitigation measures would be provided that are consistent with Sound Transit's Light Rail Noise Mitigation Policy (Motion No. M200408). The FTA manual also defines when mitigation is needed and bases this on the impact's severity, with severe impacts requiring the most consideration. During final design, all impacts and mitigation measures will be reviewed for verification.

Michael Minor has stated to me that ST chose not to use new trains with quieter technology because they were more expensive. All efforts to reduce noise have FAILED. Had ST listened to the residents of the area in Central Link and chosen an alignment along the freeway, much of this additional noise and cost would have been avoided. They instead chose to put it closer to homes, introducing a new noise source into a quiet area. They have yet to fix this problem and continue to spend more money to try.

Response to comment ELFEIS014-32

The noise analysis uses detailed computer aided drafting files and accurate measurements of the distance between the proposed track ways and residential properties, which allows for consideration of the issues raised in this comment.

Response to comment ELFEIS014-33

This is not an accurate representation of discussions held with Mr. Minor, who is the lead consulting noise analyst for the East Link EIS. As stated on page 7-1 of Appendix H2, Noise and Vibration Technical Report, to the Final EIS Sound Transit has purchased state-of-the-art, low-noise vehicles. Please see response to comment # ELFEIS014-9 regarding previous noise reduction efforts.

4.7.5.1 Transit Noise Mitigation

The potential mitigation options available for noise from transit operations on the East Link Project are primarily sound walls, special trackwork, lubricated curves, and residential building sound insulation. Sound walls are proposed where feasible and reasonable, as determined by Sound Transit based on specific site conditions. Sound walls would be located on the ground for at-grade profiles and on the guideway structure for elevated profiles. Sound walls are preferred because they are effective at reducing noise. For locations where there is a potential for traffic noise to be reflected off the sound walls, Sound Transit would propose to use absorptive treatments to remedy this issue. During those times of the day when outdoor uses are most frequent, noise from light rail would typically be less noticeable because of the higher ambient noise levels from traffic and other urban sources. Sound Transit is currently investigating the use of non-audible warnings for gated and ungated at-grade crossings. If non-audible warning devices are found to be viable, this option could be used to reduce or eliminate bell noise at specific crossings. When source mitigation measures or sound walls are infeasible or not entirely effective at reducing noise levels below the LTA impact criteria, then residential sound insulation would be evaluated and implemented at impacted properties where the existing building does not already achieve a sufficient exterior-to-interior reduction of noise levels.

ELFEIS014-34

ST makes no mention nor even tries to deal with the noise that will permeate our outdoor living spaces in our neighborhoods. B7 has no crossings that would require bells. They haven't fixed it in Central Link - yet ST is now proposing through a recent RFP to do sound insulation over 600 feet from the trains! Better placement of alignments on existing transportation corridors, such as the BNSF abandoned railroad, will take care of this issue.

4.7.5.1 Traffic Noise Mitigation

Segment C

The sound wall/barrier, along with special trackwork at the crossover along 112th Avenue SE, would mitigate all impacts along this section of the corridor.

They have not been successful to date, yet here they are again making these false claims.

4.7.5.1 Wheel Squeal

For curves of 600-foot radius or less, a trackside or vehicle-mounted lubrication system would be used to mitigate wheel squeal noise. For curves of 600- to 1,000-foot radius, the project would be designed to accommodate a lubrication system if wheel squeal occurs during operations.

They have tried this in Central Link and have failed to date.

4.7.5.2 Construction Noise Mitigation Measures

Pile driving might be required in Segments B, C, D, and E for construction of elevated profiles and bridges, and might also occur in areas of retained cuts in Segments C and D. To mitigate noise related to pile driving, the use of an auger to install the piles instead of a pile driver would greatly

ELFEIS014-35

Response to comment ELFEIS014-34

Your comment has been noted. The entire noise analysis was performed to specifically identify and mitigate noise from light rail operations in the outdoor and indoor spaces at residential properties. Your statement that noise barriers and lubrication have not been successful is incorrect; in fact, the noise walls on the Central link were successful in mitigation of all impacts, and the lubrication is effective at reducing and eliminating wheel squeal. Please see response to comment # ELFEIS004-6 regarding Central Link.

Response to comment ELFEIS014-35

The Final EIS text quoted states that most locations would not include pile driving. As stated in Section 2.4.5 of the Final EIS, which describes the construction process for elevated portions of the project, states that foundations may consist of shallow spread footings, include deep-driven or augured piles, or drilled shafts.

ELFEIS014-35 reduce the noise levels. If pile driving is necessary, the only mitigation would be to limit the time of day the activity can occur. Pile driving is not expected at most construction locations.

How do they expect to situate the line in the Slough if not on piles? The entire roadway along Bellevue Way and 1112th is in the Mercer Slough.

4.7.5.3 Vibration Mitigation During Operation

Vibration and groundborne noise impacts that exceed FTA criteria warrant mitigation when determined to be reasonable and feasible. The locations requiring mitigation in Table 4.7-8 would be refined during final design. At some locations, however, light rail trackways or guideways would be within 20 feet of buildings and vibration mitigation would not be effective at reducing the vibration level to below the FTA criteria. Exhibits 4.7-7 through 4.7-11 identify these locations as residual vibration impacts. At these locations, project design modification and additional information on affected buildings could eliminate these impacts."

ELFEIS014-36 **The B7 alignment passes by condos and apartments that have already been mitigated for noise during a conditional use permit when built. Additional funds for mitigation will not be needed on B7.**

4.7.5.4 Construction Vibration Mitigation Measures

In general, building damage from construction vibration would only be anticipated from impact pile driving close to buildings. If piling is more than 50 to 100 feet from buildings, or if alternative methods, such as auger cast piling or drilled shafts are used, then damage from construction would not be anticipated. Other sources of construction vibration, including potential ground improvement activities in Segment B such as construction of subsurface stone columns, could generate high enough vibration levels for localized damage to occur, depending on the soil type and distance between the source of vibration and the nearest building.

ELFEIS014-37 **The close proximity to residences and businesses along Bellevue Way and 112th require more analysis to show the extent of construction vibration impacts.**

The cumulative impacts that an alignment on Bellevue Way and 112th will be to bury our neighborhoods. We will not survive this assault on our property. The FEIS makes it sound like all is rosy, but I ask you: where in the US is a rail system, at grade or elevated, that is a beautiful, peaceful, graceful, arboreal, single family, well maintained neighborhood with kids and dogs and wildlife? There is not one. Tunnels could save this area, but ST refuses because of the price. Our lovely city will be forever damaged by this misplacement of the alignment. An abandoned train track is sitting right here! Imagine this line paralleling the freeway as the best marketing ST could ever have! People sitting in cars stuck on the freeway and watching passengers ride along passing them.

ELFEIS014-38

The 2002 ROD states that noise mitigation "does not, however reduce exterior noise levels and is normally used for structures that have little or no outdoor use at the

ELFEIS014-39

Response to comment ELFEIS014-36

Your comment has been noted. Mitigation measures for noise impacts are discussed in the FEIS in Section 4.7.5 and in Appendix I of the FEIS for the Preferred Alternative. Mitigation for the Preferred Alternative is also included in Attachment C to this Record of Decision. The text referenced refers to vibration impacts.

Response to comment ELFEIS014-37

The text in the Final EIS following this cited text states that "In any location of concern, preconstruction surveys would be conducted to document the existing conditions of buildings, in case there was an issue during or after construction, and vibration monitoring would be implemented during construction to establish levels of vibration. Where levels of vibration exceed present limits for damage, the contractor would be required to stop work and switch to alternate construction methods."

Response to comment ELFEIS014-38

Your comment has been noted. Please see Chapter 5 of the Final EIS for a discussion of cumulative impacts.

Response to comment ELFEIS014-39

The Sound Transit Mitigation Policy, states that for situations where source or path mitigation is either not feasible or ineffective, building sound insulation would be considered. Building insulation would not reduce exterior noise levels.

ELFEIS014-38

facility” This is not the description of thousands of homes along the Bellevue Way and 112th route.

ELFEIS014-40

ST has already determined that they are crossing the Mercer Slough to provide service delivery to points east (such as Issaquah) and points south (such as Renton). Therefore, the cost to cross the Slough now will be far less and provide quicker construction to so many other cities that need additional transportation alternatives.

The analysis must factually and professionally evaluate the alternatives. ST has used half truths and assumptions based on nothing to support the conclusions they want. My friend, a transportation engineer, said this: “The engineering profession used to be an honorable profession that was asked to provide facts, warts and all, on projects in order to make the best decision; now we are asked to provide analysis that will support the decisions that have already made.” I feel sorry for him and others who have integrity and honor and have been shuffled away because they will not play this game of false assumptions.

ELFEIS014-41

Over 70% of the comments in the DEIS were for B7. Our neighborhoods know about this issue and have voted overwhelmingly to keep it on B7. Please help us and respect our properties.

Please come and see the areas for yourself and what the two alignments will do the areas. Please give us faith in our government and our democratic process! Do not let ST get away with this. We look to the federal government to help us protect our investments and secure the best alignment for our neighborhoods, our city and the region.

All comments are included both with reference and attachment to this email.

Sincerely,
Renay Bennett
826 108th Ave. Se.
Bellevue WA 98004

ELFEIS014-42

Attachment Policies of Comprehensive Plans and Subarea Plans

ELFEIS014-43

Attachment Picture of Fagle and Bellefield letter

ELFEIS014-44

Attachment Email from Vanessa Zappetil, noise mitigation not working. ST won't change their mind

ELFEIS014-45

Attachment Greenbush study

ELFEIS014-46

Attachment 1989 COB staff recommendation of no light rail (LRT) on Bellevue Way and 112th

Attachment COB resolution regarding transitions to neighborhoods

Response to comment ELFEIS014-40

As stated in Chapter 1 of the Final EIS, the purpose and need for the project is to expand the light rail system from Seattle to Mercer Island, Bellevue, and Redmond via Interstate 90. As described in Response to Common Comment #CC1b in Chapter 7 of the Final EIS, East Link is part of ST2, the next phase of mass transit improvements in the Puget Sound Region. Light rail extensions to these other locations were not included in the ST2 Program.

Response to comment ELFEIS014-41

As stated in Chapter 7 of the Final EIS, Public and Agency Comment Summary, of the 765 comment submittals or individual statements on the Draft EIS, over 400 were regarding Segment B. Of the 400 letters, almost 250 were in support of Alternative B7 (approximately 33 percent) and approximately 70 letters were in opposition to B7. For the SDEIS, a total of 165 letters supported Alternative B7 while 155 letters opposed it.

Response to comment ELFEIS014-42

Please see Table 7-1, Chapter 7 of the Final EIS, response to Common Comment CC4.2c.

Response to comment ELFEIS014-43

Your comment has been noted. Please see Section 4.8 of the Final EIS regarding impacts to wildlife.

Response to comment ELFEIS014-44

Your comment has been noted. Sound Transit continues to work to reduce noise levels on Central Link and the noise levels in this area have now been reduced to below FTA impact criteria.

Response to comment ELFEIS014-45

Your comment has been noted. Please see response to comment #14, SDEIS comment letter ELS542.

Response to comment ELFEIS014-46

Your comment has been noted.

Sent: Monday, August 15, 2011 6:28 PM
To: fla.troi@gmail
Cc: Witmer, John (FTA); LaHood, Ray (OST); Mendez, Victor (FHWA); Rogoff, Peter (FTA); Mathis, Daniel (FHWA); Krochalis, Rick (FTA)
Subject: Fw: Comments about Wildlife and Tree Loss - B2M

The B2M was selected by Sound Transit. The City of Bellevue City Council is considering approval of the Terms Sheet (MOC) to commit up to \$160 Million of City land, rights, assets and/or cash to Sound Transit, and possibly also to waive rights to litigate.

Here are comments about 2 SEPA impacts not fully considered, 1 historic City SEPA litigation case and the City's Vision:

Wildlife Habitat & Migration - Mercer Slough to Lake Washington via Enatai Neighborhood

The City has long standing integrated policies for owning and managing parks and open spaces for encouragement wildlife habitat. Also, small animal habitat is primarily regulated by Washington Dept. of Fish & Wildlife and by Washington Department of Ecology for critical areas ordinance. The Bellevue Parks Board and staff were in a position to make a thoughtful long term examination of how City's existing wildlife and open space policy has been systematically set aside to allow B2M to impact urban wildlife migration patterns, yet none was provided. I spoke directly to the Park Board about this 1 concern in early 2011.

On Thanksgiving Day and again on Christmas Day 2010, 1 coyote was in our backyard at 100th/SE 16th Street resting and sunning for approximately 1 hour each day while enroute from the Chism Park natural habitat open space area to Mercer Slough natural habitat open space area via unfenced backyards along the north side of SE 16th Street Corridor. Coyotes help keep mice, rats, moles and voles under control in neighborhoods. This is a health, safety and welfare biological and ecological control mechanism. Residents support this ecological vision as part of a large bundle of adopted City policies and prior investments referenced as "City in a Park".

ELFEIS014-47
Over the past 20 years, I have observed coyotes regularly (4 sightings in 20 years, always headed east to west, or west to east along SE 16th Street). More frequently, we observe raccoons also traveling east to west (2 sighted on the morning of July 28, 2011 headed west), crossing 112th Avenue and Bellevue Way. The small wild mammal population survival depends on the east-west travel route between major open spaces.
Beavers are regularly found along Lake Washington shoreline including northwest shores of Mercer Island, in Mercer Slough and along Enatai shoreline areas (2 observed). Also, 1 fox was observed within 200 feet of the B2M alignment behind Winters House. Pileated woodpeckers, a designated Priority Habitat Species, has been seen along Mercer Slough and Lake Washington using primarily large cedar tree trunks as snags. A desirable goal is 12 dead snag tree trunks per acre for the many types of bird life. Snags help support 4 types of cavity nesting ducks also on the PHS list requiring dead tree trunks for lifecycle use. However, an unknown number of dead tree snags will be removed to implement B2M.

Response to comment ELFEIS014-47

Please refer to the Final EIS for a discussion of project impacts. Ecological impacts from tree removal are included in the discussion of high-value habitat impacts in Section 4.8.3 of the Final EIS. A detailed description of the methodology used and the importance of high value habitat is provided in Chapter 2 of Appendix H3, Ecosystems Technical Report. Sound Transit assessed impacts on wildlife using several approaches, including quantitative and qualitative methods, and measured direct habitat loss based on the extent of impacts to various plant communities. The qualitative assessment included review of the area's role as a wildlife movement corridor.

The B2M proposal features at-grade rail line along much of 112th Ave SE. The B2M rail alignment negatively impacts life cycle, functions and values, by preventing seasonal migrations in east-west movements of animals to and from 2 major water bodies and open spaces. Animals will be prevented from crossing the combined 112th Avenue with rail track alignment due to frequency of trains, noise, light, total distance including streets, walks and railbed. The project sponsor Sound Transit is required to consider wildlife habitat and lifecycle impacts caused by B2M. However, probable significant adverse SEPA impacts caused by B2M proposal to wildlife habitat are not fully studied and as a result unidentified, unquantified and also unmitigated impacts are expected.

ELFEIS014-47 Tree Loss along West edge of Mercer Slough and within 112th Ave SE right of way

A significant number, type, size and kind of existing trees will be removed along the B2M corridor. The B2M route requires SEPA impact mitigation, as well as applicable City code compliance at the time of each local permit. Sound Transit chose the B2M route that creates unidentified, unquantified and unmitigated tree impacts. The probable significant and adverse impacts of removed trees that creates harm suffered is quantifiable. The tree loss impacts and harm suffered will include the loss of oxygen production, a lack of CO2 uptake, a lack of carbon fixation by trees, added small particulates in the air column, greater storm water impacts (more quantity and also diminished water quality impacts) as well as urban heat island effects due to the loss of shade canopy over existing pavement. City has robust staff capability to use tree valuation software to justify arterial street tree maintenance budgets, there has been no City estimate of lost tree value for B2M alignment. Also, the proposed overhead wires above at grade rail track will prevent allowing future street trees to shade the future track bed. This temperature increase contributing to heat island effect is a direct impact that was never considered for B2M.

Here's a comment about City's prior difficulty with SEPA plus a closing word about the City's Vision:

Learning from History: Is today's B2M like yesterday's Tale of Hardware?

Residents and property owners directly affected by B2M impacts do not have the primary duty under SEPA regulations to disclose proposal information or to define mitigation for impacts. Sound Transit has responsibility yet has fallen short for impact mitigation. City Council has collected evidence about unmitigated SEPA impacts while studying B7R. An informed decision by the proponent sponsor is the intended outcome of a proper SEPA review process.

ELFEIS014-48 Eventually, Sound Transit will become the permit applicant at City Hall, and also seek to obtain rights to City utilities and City land. At that point in the future, City staff must rely on the completeness (or lack thereof) for the SDEIS document. The City had an opportunity to disclose to Sound Transit information all B2M impacts as agency comments. Next, there will be the option to include such information in a SEPA appeal of the SDEIS document, including a right to litigate an appeal decision, if needed.

Response to comment ELFEIS014-48

Please see Table 7-1, Chapter 7 of the Final EIS, Response to Common Comment CCG3, which addresses SEPA requirements regarding the level of detail needed for identification and disclosure of project impacts and mitigation measures.

Adverse significant impacts which are quantifiable yet not calculated, plus impacts that are avoidable, can be minimized or mitigated yet have not been all remain Sound Transit's primary responsibility.

ELFEIS014-48

In the future, City of Bellevue staff will have to verify if the SEPA document is adequate for each one of the City's next local permits and approvals, on a case by case basis. If the SEPA analysis as prepared by Sound Transit turns out to be too limited for all of those future City permits, then City staff can request more review, or expose the City to a successive number of permit appeals - unless the Term Sheet / MOU document essentially grants all these approvals to Sound Transit while also removing rights for appeals and decisions notices. This appears to be what is at issue in 2 days at the City Council meeting.

Consider the SEPA appeal case against the City and a proposal sponsor known as "Eagle Hardware (today it is Lowe's)". This appeal was filed by Bridle Trails neighborhood residents. The appeal case established how City of Bellevue staff used a flawed SEPA review document not reflective of all major project impacts - stopping construction 90 days into the project. In that regard, the Eagle Hardware appeal case can be today's teachable moment about weaknesses in the B2M SEPA review.

The Eagle Hardware SEPA litigation case was expensive tuition paid for City of Bellevue electeds and staff to learn SEPA procedural issues.

ELFEIS014-49

Finally, the B2M route heavily impacts Bellevue's integrated parks, open space and wildlife policy vision summed up as a "City in a Park". Unfortunately, SEPA does not require study of project impacts to the City's vision by selecting B2M. The Sound Transit decision to select B2M impairs our City's once great vision that has worked well over the past several decades.

Response to comment ELFEIS014-49

Your comment has been noted.

Letter ELFEIS015

Washington Trucking Associations

Page 1

August 12, 2011

Dan Mathis, Region X Administrator, FHWA

Dear Mr. Mathis:

I am writing to express the concerns of the 1,000 members of the Washington Trucking Associations with the Sound Transit Final EIS I-90 East Link project. In particular the assertion in 3.8.3.1 (Impacts During Operation Freight on Regional Highways) which states that the East Link project when completed will have a beneficial impact on travel time for trucks across the Bridge.

This assumption appears to be based on Sound Transit's projected light rail ridership which claims to reduce single occupant vehicles, thereby allowing trucks to move more freely. Unfortunately, Sound Transit has a long history of over estimating projected ridership. As an example, the Seattle downtown to SeaTac Airport light rail, once completed, carried 50% less riders than Sound Transit had projected.

In addition, Sound Transit predicts that by the year 2030 truck traffic growth on I-90 would increase about 2% or less during peak times. This flies in the face of the American Trucking Associations US Freight Transportation Forecast to 2022, which indicates there will be a 24% increase in general freight over that time period.

Sound Transit also states that between the years 2020 and 2030, that a higher percentage of trucks is expected to cross Lake Washington during off peak times. While the trucking industry does everything in its power to avoid traveling during peak congestion times, we do not make the final decision on when we will be on the roadway. With the advent of warehouse on wheels and just in time delivery, our customers dictate our travel times. Therefore, to make the assumption that as time goes on trucking will choose to operate more during off peak hours is simply not accurate.

We have further concerns about the model used to project light rail's ridership and what impacts it would have on congestion. The information we have received indicates that slightly less than 1% of the projected East Link ridership will switch from single occupant vehicles, and that 64% would switch from more efficient HOVs and buses. Only about 1800 of the projected 5400 East Link riders would be new transit riders, and those may be mythical based on Sound Transit's past predictions.

In closing, we would ask that Sound Transit's FEIS be scrutinized very carefully before we spend billions of dollars to fix a congestion problem that may well be made worse by adding light rail to the I-90 Bridge.

Thank you in advance for your consideration. If you have any questions or we can be of further service, please feel free to contact me.

Letter 15 was sent to FHWA official Dan Mathis as shown. A duplicate letter was also sent to FHWA official Victor Mendez.

Response to comment ELFEIS015-1

Sound Transit's ridership estimates are determined from the Sound Transit ridership patronage model. With the East Link project, transit ridership across Lake Washington is forecasted to increase by about 25 percent from the No-Build Alternative. This is summarized in Section 3.1 and described in more detail in Sections 3.4 and 3.5 of the Final EIS.

Comparing future ridership forecasts for East Link to Central Link's initial ridership levels is not an appropriate comparison for several reasons. First, forecasts prepared for Central Link using Sound Transit's incremental ridership model in the late 1990's/early 2000's was based on a system plan different than the current operating light rail system as well as a bus service integration plan that has not been fully implemented. Ridership forecasts for Central Link assumed a light rail line between the University District area (45th Street) and south of Sea-Tac Airport (South 200th Street). Currently, Central Link is operating between downtown Seattle and Sea-Tac Airport. Other factors affecting Central Link ridership during its first two years of operation include an adjustment of people's behaviors to a new transportation mode (light rail); implementation of new fare system (the Orca card); and the economic recession and unemployment, which has depressed transit ridership during this period. These issues primarily relate to the rate of ridership maturity on the Initial Segment of Central Link, not to the forecasting methodology in Sound Transit's ridership model used for East Link (which has been reviewed by the Federal Transit Administration and two State Expert Review Panels). Overall, sound Transit's Central Link ridership has consistently increased since service implementation.

Response to comment ELFEIS015-2

The reference to 2 percent per year is an annual growth rate not an overall total growth rate. Assuming an annual 2 percent growth rate, volumes would increase by approximately 30 percent from the existing (2007) conditions to year 2022.

Response to comment ELFEIS015-3

Currently the majority of freight along this corridor travels outside the peak periods as shown in Exhibit 3-28 of the Final EIS. That trend is expected to continue in the future as forecasted by the Puget Sound Regional Council (PSRC) (i.e., that the majority of daily freight movements will continue to occur outside the morning and afternoon peak periods).

Response to comment ELFEIS015-4

The East Link project is forecasted to produce about 50,000 riders per day and of those riders approximately 10,000 would be new transit riders. This information is located on page 3-6 of the Final EIS, under the bullet titled "Limited Transit Capacity and Connectivity."

Response to comment ELFEIS015-5

Chapter 1 of the Final EIS discusses the project's purpose and need. As described in Section 1.2.3, the outer roadway is expected to reach its maximum vehicle capacity by 2015. Increased congestion in the No-Build condition will further exacerbate bus service delays and limit mobility between Seattle and the Eastside communities creating a need for the project. As described in Section 3.5 of the Final EIS, the traffic operations on I-90 during the peak periods would be similar or improved with the project.

Sincerely,

Larry A Pursley
Executive Vice President
Washington Trucking Associations
(253) 838-1650

No comments

- n/a -

Letter ELFEIS016

Will Knedlik

Page 1

From: Will Knedlik [mailto:interstate90userscoalition@gmail.com]
Sent: Sunday, August 14, 2011 9:13 PM
To: LaHood, Ray (OST)
Cc: Mendez, Victor (FHWA); Rogoff, Peter (FTA); hammonp@wsdot.wa.gov; Mathis, Daniel (FHWA); Krochalis, Rick (FTA); dyed@wsdot.wa.gov
Subject: Request to deny Record of Decision for East Link Project and to make criminal referral

ELFEIS016-1

This submission requesting the United States Department of Transportation to deny a Record of Decision for the East Link Project proposal stated within a nominal Final Environmental Impact Statement for a light-rail plan for the Interstate 90 corridor from Seattle, Washington to Bellevue, Washington (as formally issued on July 15, 2011), and instead to make a criminal referral to the United States Department of Justice respecting the Central Puget Sound Regional Transit Authority (doing business as Sound Transit and hereinafter the "agency"), is based upon legally fatal defects identified in the following paragraphs, *seriatim*, together with several further lethal failures identified in an attachment incorporated by reference hereinbelow and in an annex also thus incorporated hereinbelow, and along with major false statements therein and previously in order to degrade freight mobility through critical I-90 elements of the Dwight D. Eisenhower National System of Interstate and Defense Highways and to obtain \$1.313 billion in New Starts funds from the United States Treasury through clearly false pretenses made by the agency to the Federal Transit Administration over the signature of its chief executive officer Joni Earl (signed *qua* "Joan M. Earl") that are documented hereinafter.

The agency has acquired no lawful right to use the multibillion-dollar center roadway of the I-90 corridor for its East Link Project, as the Washington State Supreme Court has squarely informed that junior taxing district in explicitly stating that it has obtained "nothing to establish a mandatory duty to transfer the center lanes" over the I-90 floating bridge and through other related components of that key corridor, in *Freeman v. Gregoire*, 157 Wn.2d 544 (2011), and as is discussed more fully in the attached appeal of the nominal FEIS for that plan addressed to and pending before Ms. Earl, and incorporated herein for all purposes by this reference thereto.

ELFEIS016-2

Further, the agency is almost certain to be unable to gain any legal right to use those multibillion-dollar center lanes in the I-90 corridor, **constitutionally**, because such rail usage is unconstitutional under the Washington State Constitution's Article II, §40 - since rail modalities are **not** among "highway purposes" lawful pursuant thereto - due to the Washington State Supreme Court's long standing and *res-qua* conclusion whereby it has explicitly so defined "highway purposes" through *State ex rel. O'Connell v. Slavin*, 75 Wn.2d 554 (1969).

Still further, the agency is even more certainly unable to obtain any lawful right to use the multibillion-dollar center roadway in the I-90 corridor, **statutorily**, because it cannot meet the paramount statutory obligation for any lawful transfer, on even a temporary basis, namely that such facilities as "held for highway purposes" are "not presently needed," factually, for such constitutionally mandated ends, as required by RCW 47.12.120.

Yet further, the agency is still more certainly unable to obtain any legal right to use those multibillion-dollar center lanes in the I-90 corridor, **procedurally**, because the State of Washington's counsel conceded to our state Supreme Court, during oral argument on September 16, 2010, in open court, that "the two center lanes of I-90 are not surplus and are needed for highway purposes" (as subsequently pleaded, on June 2, 2011, by attorneys for plaintiffs, in *Freeman et alia v. Gregoire et alia*, Kittitas County Superior Court Cause No. 11-2-00195-7, Amended Complaint for Declaratory Judgment, Writ of Prohibition or Mandamus, and Injunction).

ELFEIS016-3

The agency is likewise certainly unable to obtain any lawful right to use the multibillion-dollar center roadway in the I-90 corridor, **financially**, because it lacks the monetary resources required to fund actual market value of the applicable highway facilities, as is discussed more fully in a hereinbelow-annexed letter addressed to Hon. Rob McKenna, who is the current Washington State Attorney General, in requesting his Office for an adequate defense of the Motor Vehicle Fund's integrity respecting the financial value of the center roadway or for cession of lawful authority (and as

Response to comment ELFEIS016-1

The East Link Project does not propose to use any New Starts funding. The Final EIS analyzes the environmental impacts of the East Link project. The legal issues identified here and elsewhere in your comment letter and attachments, fall outside the scope of analysis required under the National Environmental Policy Act.

Response to comment ELFEIS016-2

As discussed in the Executive Summary of the East Link Final EIS (ES.10, Areas of Controversy and Issues to be Resolved), in 2009 a lawsuit was filed by Eastside Transportation Association and others challenging the State of Washington's constitutional authority to approve use of the I-90 floating bridge center roadway for light rail transit. Petitioners sought a writ of mandamus barring the governor or secretary of transportation from "taking any action" pertaining to the conversion of lanes of I-90 for purposes of light rail. In April 2011, the Washington State Supreme Court denied petitioners' request. Following the Supreme Court's decision, the petitioner filed a similar challenge in Kittitas County Superior Court. The Kittitas lawsuit is pending.

Response to comment ELFEIS016-3

Please see response to comment # ELFEIS016-1 above.

ELFEIS016-3 incorporated herein for every purpose by this reference thereto), and as is effectuated by the absolute limit of \$800 million on its bonded indebtedness as established by statutory contract authorizing its fiscal taxing powers until its thereby approved parameters for an initial light-rail plan has been completed from Tacoma to Lynnwood and from Seattle to Redmond (and as outlined more fully in preliminary documentation of the agency's \$1.313 billion bond on the United States Treasury herebelow).

ELFEIS016-4 The agency is also certainly unable at the present juncture to obtain any legal right to use those multi-billion-dollar center lanes in the I-90 corridor, **administratively**, because it has utterly failed to this date to conduct minimally adequate alternatives analysis for the make-or-break Segment A running from Seattle to Bellevue, **SINCE IT HAS MADE ABSOLUTELY NO ALTERNATIVES ANALYSIS OF ANY KIND WHATSOEVER IN COMPLETE DEFIANCE FOR THE ENVIRONMENTAL REVIEW PROCESS**, as documented more fully in the appeal now before Ms. Earl, and as incorporated herein for every purpose by earlier reference thereto.

ELFEIS016-5 However, what the agency has done is to substitute explicit misrepresentation for mandatory explanation, and the same purpose of its central (and right) lie respecting falsely purported freight mobility can have no factual, legal, logical or other purposes except for the intentional concealment of its plans for major integrations of freight mobility within the pivotal I-90 corridor connecting Boston Harbor with the Port of Seattle, as well as servicing major ports in Philadelphia, New York, New Jersey, Cleveland and Chicago, *inter alia*, and for its related cover up of enormous underfunding, thereby, not only of the fundamental purposes for, but also of the current functionality of, the very critical I-90 element of our nation's interstate-and-defense highway system.

In particular, as the attached appeal documents more fully, the agency's nominal FEIS utilizes the bold-faced lie that "the East Link Project would have an overall beneficial impact on trucks traveling on I-90," based on its falsifications of WSDOT data sets that of necessity must be willful, and it so adds to most serious wrongdoing by means of such generic misrepresentations through its falsified answers to the Port of Seattle's pivotal-and-substantial concerns about freight access to its waterfront-and-airport facilities in response to prior draft-and-supplemental environmental impact statements. These falsifications should be subject to a criminal referral.

Said false claim regarding freight mobility in the nominal FEIS made in order thereby to degrade the pivotal I-90 corridor, as an essential element of our nation's core system of interstate-and-defense highways, follows the agency's earlier false claims made over the signature of Ms. Earl to obtain \$1.313 billion in federal New Starts funds, through two approved, full funding grant agreements, whereby she ratified financial plans falsely claiming lawful borrowing authority of well over \$2 billion despite knowing this amount to be *over three times* larger than the agency's maximum authority for long-term debt of \$800 million at least until its initial light-rail plan has been completed (as approved by Pierce County, King County and Snohomish County as a central *quid pro quo* term for authorizing its access to residents of those counties to request local taxing powers).

Among quintessential legal constraints on the agency established through that thus-negotiated statutory contract between it and the three counties, as above referenced, is an absolute ceiling of \$800 million on its total long-term debt at least until its entire "Phase I" plan has been completed, as is stated as follows:

ELFEIS016-6 **Maximum Bonding Level:** To ensure that the RTA maintains a reasonable, fiscally prudent debt level, an overall long term debt ceiling of \$800 million shall be established. This ceiling represents 17% of the total Phase I capital program. This is to be compared with other major rail capital programs nationally which have utilized bonds to finance up to 50 percent of such projects. This ceiling is designed to maximize the level of tax reduction after 16 years if further capital projects are not approved, to ensure that a healthy capital program for Phase II is possible without a tax increase above the .4 sales, .3 MVET package, and to certify to the public that this project will be managed based on sound fiscal principles (*The Regional Transit System Master Plan* at page 3-10, emphasis in original, as formally adopted by the agency on October 29, 1994, and as officially approved by Pierce County Ordinance No. 94-148 on December 9, 1994 [which, in Section 2 thereof, directly "incorporated herein by reference" the complete *Master Plan*], by King County Ordinance No.

Response to comment ELFEIS016-4

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS (Purpose and Need). For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal Register: February 14, 2007, Vol. 72, Number 30) and guidance found at: <http://environment.fhwa.dot.gov/integ/related.asp>

Response to comment ELFEIS016-5

Your comment has been noted. Freight movement on I-90 is discussed in Section 3.8 of the Final EIS. See also Response to comment ELFEIS008-9 for a brief discussion of the differences between WSDOT's 2006 analysis and the more recent analysis contained in the 2011 Final EIS.

Response to comment ELFEIS016-6

The East Link Project does not propose to use any New Starts funding. The “maximum bonding level” cited in your comment was contained in the 1994 Phase 1 System Plan, which was not approved by the voters in 1995. The Phase 1 System Plan was formally rescinded by the Sound Transit Board by Resolution No. 73 adopted May 1996. Sound Transit is subject to the statutory bonding limits contained in Chapter 81.112 RCW. Sound Transit is currently authorized to incur debt in an amount equal to 1 ½ percent of the value of taxable property within the service area, without securing voter approval for bonds. With the approval of 60 percent of the region’s voters, Sound Transit may incur aggregate indebtedness of up to 5 percent of the value of taxable property within the service area.

No comments

- n/a -

11.603 on December 12, 1994 [which, thereby, effectuated each substantive term of the statutory contract at issue herein], and by Snohomish County Motion No. 94-436 on December 14, 1994).

Beyond this explicit contractual obligation created by the agency's formally adopted, officially approved, constitutionally operational and herein legally controlling statutory contract, its Motion No. 4 & Financial & Engineering Principles for RTA Debt Management" also further document squarely and state explicitly that: "An \$800 million ceiling on long-term debt has been established in the Master Plan," as negotiated with and approved by the three counties as required to obtain local taxing authority, and still further specify directly, in an "Interpretation" section, both **how** principles for debt management "insure [sic] that no more than \$800 million of the total capital costs were funded through long term debt," and also **how** this absolute ceiling for all long-term borrowing is to remain, in place, even if it underestimated "the total capital costs," originally, during its negotiations of every obligation legally controlling the statutory contract thereby created: "If the cost of Phase I were to increase beyond present estimates, it should be assumed that the \$800 million limitation would survive any such adjustments."

11-115016-6

Further, the agency's then-Board chair, Hon. Bruce Laing, clearly stated to all Board members before the formal adoption of Motion 4 that: "We do know we are limiting debt to \$800 million, and we intend to reduce that debt as rapidly as possible, it will only be that high if we have no other alternative. I think we are saying the tax rate will go down after 16 years, but this is a Master Plan that has additional phases. If the voters approve Phase II, it will affect tax rates" (official Board Minutes, February 10, 1995, at page 11, which state immediately after this exposition of the absolute limit of \$800 million on long-term debt for all of its Phase I: "It was moved by Mr. Nickels, seconded by Mr. Miller and carried by the unanimous vote of all Board members present to approve Motion No. 4, as amended" (bolding in the original)).

Thus, the agency's adoption and ratification of "all statements, representations, warranties, covenants and materials that it has submitted to FTA" through Ms. Earl's signature - including the "Financing Plan," identifying almost exactly three times more borrowing authority than was and is legally authorized by the binding terms of the statutory contract whereby its local taxing powers were obtained, as "accepted by the [U.S.] Government" as consideration for two full funding grant agreements providing \$1.313 billion from the federal treasury, and as specifically "incorporated by reference and made a part of this Agreement," as executed based on this huge fraud in order to obtain \$1.313 billion through its false statement - constitute violations both of federal civil laws respecting false statements and also of federal criminal laws.

Taken together, the documentation above outlined, along with the attachment and annex incorporated hereinabove, squarely indicates both that the U.S. Department of Transportation should deny a Record of Decision for the East Link Project pursuant to the nominal FEIS in view herein (due to fatal legal defects and to other lethal failures thereby demonstrated), and also the appropriateness of a criminal referral (as well as recovery of all monies obtained by the agency, through false statements, with criminal penalties).

Additionally, referrals to the Inspector General regarding the Federal Transit Administration and to Hon. Rob McKenna respecting the Washington State Department of Transportation - as co-lead agencies in the submission of a nominal FEIS containing patently fraudulent statements vis-a-vis purported freight mobility in the commercially quintessential I-90 element of the Dwight D. Eisenhower National System of Interstate and Defense Highways - would appear to be indicated if the Department that you lead is at all committed to protecting our country's assets and its economic security against multibillion-dollar frauds being imposed against the United States of America of those types squarely manifested in this instance through intentional falsifications identified hereinabove, preliminarily, with rather substantial particularity.

Respectfully submitted,

Will Kredik

No comments

- n/a -

Attachment: SEPA Appeal with Appendices A – D

Annex: *Qui tam* letter to Honorable Rob McKenna

Note re:re: Signed original, with attachment and with annex, to follow in hard copy format.

Interstate 90 Users Coalition

August 12, 2011

Honorable Rob McKenna

Office of Attorney General

Olympia, WA 98504-0100

Re: Request for defense of the Motor Vehicle Fund's integrity or for cession of lawful authority

Honorable General:

This correspondence requests your Office either to ensure reasonable values for core highway assets in the Interstate 90 corridor imperiled by a "Term Sheet" signed in August, 2010 by the Washington State Department of Transportation and by the Central Puget Sound Regional Transit Authority – as is necessary to fulfill Article II, §40 of the Washington State Constitution through preservation of all thus-protected fuel taxes deposited in and expended from the Motor Vehicle Fund pursuant to RCW 46.68.070 – or else to cede its authority to allow *qui tam* litigation to obtain market-based valuations for those critical properties funded by every fuel-tax payer statewide, and recoveries based thereon.

The actual monetary value of central I-90 assets at issue is at least several billion dollars, today, and this already enormous amount is increasing rapidly, at present, due to fundamental economic forces lifting valuations, now, especially very major tolling initiatives (as discussed in the attached SEPA appeal of CPSRTA's nominal Final Environmental Impact Statement, for its proposed uses of those pivotal state properties, at pages 4 to 8 therein). However, WSDOT's above-noted agreement with CPSRTA would legally require the state to pay that juniortaxing district to reduce freight mobility in the commercially indispensable

No comments

- n/a -

I-90 corridor, through exclusive use of the center roadway, so as not only to degrade freight transport, but also to undercut our state's highly fragile economy thereby.

Thus, rather than our state receiving several billion dollars from rational prices for I-90's expensive highway assets paid for by every fuel-tax payer statewide, as urgently needed here for crumbling bridges, dangerous roadbeds and other failing transportation infrastructure, the "Term Sheet" in view compels the state to accept less than nothing for billions of dollars worth of assets in violation of our state Constitution by paying a subordinate agency, serving just parts of three of 39 counties, to degrade freight movements, in the economically quintessential I-90 corridor, at the same time when Gov. Christine Gregoire is chairing the "Connecting Washington Task Force," personally, because:

Effective transportation is critical to maintaining Washington's economy, environment and quality of life. However, funding for Washington's transportation system is insufficient over the long term (<http://www.governor.wa.gov/priorities/transportation/connectwa.asp>).

For nearly 60 years, your Office has correctly recognized that the state Constitution imposes a legal obligation on state officers to preserve assets acquired and developed for "highway purposes," with state fuel taxes, as constitutionally protected by Article II, §40, and as statutorily segregated into the Motor Vehicle Fund to guarantee that essential constitutional safeguard pursuant to RCW 46.68.070.

Interstate901servCoalition@gmail.com

wknrellika@gmail.com

Thus, General Smith Troy's analysis in AGO 51-53 No. 376, on August 13, 1952, squarely stated "at the outset that if unused lands were given to a city or county for no monetary consideration it would constitute an unlawful diversion of motor vehicle funds, as such land is purchased from a definite fund provided by the motor vehicle users," and General Slade Gorton's subsequent review of that previous opinion in AGLO No. 62, on July 17, 1975, resulted in his later decision to "adopt this same analysis with respect to the question of consideration in connection with leases" (pursuant to RCW 47.12.120): i.e., "What, if any, monetary or other valuable consideration is necessary in order to permit the state highway department to lease or sell to a county or city land previously acquired by the department for highway purposes with moneys from the state motor vehicle fund?"

In particular, Deputy Attorney General Philip Austin explained as to any transfers of properties "not presently needed" (or "highway purposes"): "In those instances in which the highway lands (including air space) purchased with motor vehicle fund moneys are to be leased or sold to a county or city for nonhighway purposes, the purchaser or lessee, even though it is also a governmental agency, will be required to provide such monetary or other consideration as is necessary, under the particular factual circumstances involved, to avoid an unlawful diversion of motor vehicle funds."

General Gorton's averments that "where other consideration is constitutionally required, because the lands are to be used for other than highway purposes, such consideration may take various forms;" and "need not necessarily be monetary or be precisely equivalent to the fair market rental or sale value of the subject lands" appear faulty, but WSDOT's failure to recover even a single penny for the tax account financed by all fuel-taxpayers, statewide, and its agreement, instead, to pay a district

No comments

- n/a -

...serving merely parts of three counties to take state assets worth billions for **less than nothing** go far beyond what any sane official could purport to be prudent, much less to fulfill the Washington State Supreme Court's mandate that our state's jurisprudence is to be constructed from "the facts of each case upon mixed considerations of logic, common sense, justice, policy, and precedent." *King v. State*, 84 Wn.2d 239,250 (1974), including its own *sine qua non* decision whereby it has explicitly defined "highway purposes" through *State ex rel. O'Connell v. Slavin*, 75 Wn.2d 554 (1969).

Although our state Supreme Court has recently determined that CPSRTA has obtained "nothing to establish a mandatory duty to transfer the center lanes," on the I-90 floating bridge and across related elements of that corridor, in *Freeman v. Gregoire*, Wn.2d ... (2011), follow-on litigation in Kittitas County Superior Court by Kemper Freeman and by other plaintiffs to prevent any surrender, due to Article II, §40, pleads your senior assistant Bryce Brown's statement to our state Supreme Court, in his oral argument on September 16, 2010, that "WSDOT was committed to transferring the I-90 lanes to Sound Transit for light rail" (through the taxpayer-robbing "Term Sheet" at issue).

Hence, given extremely adverse consequences for every fuel-tax payer, statewide, request is hereby made for your Office either to ensure reasonableness in any lease, based on actual market values, or else to cede equitable, legal and other authority necessary to protect all such citizens across our state.

Respectfully submitted,

Will Knedlik

cc: Honorable Paula Hammond

Attachment: SEPA Appeal with Appendices A - D

Letter ELFEIS017

Hal Woolsey Properties

Page 1

Todd R. Woolsey
c/o Hal Woolsey Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, Washington 98005
(425) 455-5730 #3
todd@woosleyproperties.com

To: Mr. Perry Weinberg, SEPA Responsible Official
Environmental Compliance Manager
Sound Transit
Union Station
401 South Jackson Street
Seattle, WA 98104-2826

Ms. Megan White, SEPA Responsible Official
Director Environmental Services
WSDOT
P.O. Box 47331
Olympia, WA 98504

Mr. Rick Krochalis
Regional Administrator
General Transit Administration, Region 10
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Cc: Mayor Davidson, Bellevue City Council, Bellevue Transportation
Commission and Bellevue Planning Commission

From: Hal Woolsey Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, Washington 98005

Date: August 15, 2011

Subject: Sound Transit East Link Project Final Environmental Impact Statement
Comments

Response to comment ELFEIS017-1

Your comment has been noted. The East Link Project would add to transportation choices currently existing in the Puget Sound area and would not limit existing transportation choices. Environmental impacts from the East Link Project would be minimized as described throughout the Final EIS.

Thank you for the opportunity to comment on the Sound Transit East Link Project ("ELP") Final Environmental Impact Statement ("FEIS"). I offer these comments to help maximize the benefits of the ELP, while minimizing the temporary and permanent negative impacts the ELP could have on the property value, operation and management of the MGI Buildings in the Bel-Red Corridor.

The ELP has the potential to support the economic vitality of the businesses in the MGI Buildings, if configured properly. The ELP will also provide the opportunity for an alternative transportation mode to serve the Bel-Red Neighborhood. Most importantly, the ELP should supplement, rather than limit, other transportation choices.

Todd R. Woosley
c/o Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, Washington 98005
(425) 455-5730 #3
todd@woosleyproperties.com

Our primary concerns are the impacts to the businesses located in the MGI building at the intersection of N.E. 16th Avenue and 136th Avenue N.E.

Therefore, our firm requests the final design of the ELP at this location:

1. Mitigates all noise, especially to prevent any disruption to the Pacific Northwest Ballet's facilities and operations.
2. Provides the greatest level of automobile access to the property.
3. Provides no net loss of parking capacity.
4. Causes no vibration impacts.
5. Minimizes the visual impacts to the property and its tenants.
6. Does not displace any business.
7. Mitigates any negative economic impacts on the property and/or its tenants
8. Fully avoids or mitigates any degradation of the performance of the road system serving the property
9. Prevents, or fully mitigates, any temporary or long-term partial or full closures of adjacent roadways, utilities, etc.

The EIS does not adequately address the above issues, and understates the full environmental impacts of the ELP. We believe it is Sound Transit's responsibility to 1. Revise its SEPA/NEPA documents to accurately reflect the full impacts of the areas referenced above, and 2. Avoid or fully mitigate any impacts to the MGI property and its tenants.

The owners and businesses in the MGI building will be directly impacted by the ELP. They intend to operate the property in its current configuration for the foreseeable future. These operations will be harmed by the construction and operation of the ELP.

Again, thank you for the opportunity to offer our comments. The decisions on East Link alternatives are both complex and consequential. Sound Transit has demonstrated a cooperative approach to working with affected property owners. We look forward to continuing this collaboration to maximize ELP's benefits, while minimizing its impacts.

Sincerely,

Todd R. Woosley
Hal Woosley Properties, Inc.

Response to comment ELFEIS017-2

The impacts of the East Link Project at the MGI building are disclosed in the Final EIS as follows:

- The East Link Project would not displace any business at the MGI building, but would result in a partial property acquisition which would result in the loss of parking. As described in Sections 4.1.5 and 4.1.6 of the Final EIS, all properties with a partial property acquisition, including the MGI building, will receive just compensation from Sound Transit in accordance with applicable guidelines and laws.
- Access to the property will be maintained under *Preferred Alternative D2A* as shown on Sheet D-4 in Appendix G1, Maps and Drawings, of the Final EIS. Please see Table 7-1 of Chapter 7 in the Final EIS, response to common comment CC3j for more information regarding property access. During construction, access would be maintained to the extent possible, and would be coordinated with the building owner. Impacts and mitigation related to the greater roadway system are discussed in Chapter 3 of the Final EIS.
- Regarding visual impacts, users of this building are not considered sensitive viewers since this is a commercial/industrial complex. In addition, this particular facility has limited views outside. Since the uses of the MGI building are not considered sensitive viewers, a visual impact would not occur in this location. Please see Section 4.5 of the Final EIS for a discussion of visual impacts.
- The Pacific Northwest Ballet School, a tenant of the MGI building is considered a noise sensitive use of the building. As described on page 4.7-25 of the Final EIS, no noise impacts were identified under *Preferred Alternative D2A*. As described on page 4.7-31 of the Final EIS, none of the Segment D Alternatives are predicted to result in vibration impacts. Construction would follow the City of

Bellevue regulations to minimize construction noise. See pages 4.7-40 and 4.7-41 of the Final EIS for a description of minimization measures.

- As discussed on page 4.15-16 of the Final EIS, no adverse impacts on utilities during light rail operation are anticipated and therefore, no mitigation is proposed. The project includes implementing design measures and coordinating with utility providers and the public to minimize impacts on utilities during light rail construction. Sound Transit would continue to work with utility providers to minimize any service interruptions and perform outreach to notify the community of potential service interruptions.

Response to comment ELFEIS017-3

Your comment has been noted. Sound Transit will continue to work with you regarding this property during the Final Design Phase of the East Link Project.

Honorable Ray LaHood, August 16, 2011

Page 1 of 5

August 16, 2011

Secretary Ray LaHood
U.S. Department of Transportation
Washington, D.C.

Ray.LaHood@dot.gov

RE: Sound Transit East Link FEIS

Dear Secretary LaHood:

A major shortcoming of the East Link DEIS, SDEIS and FEIS is its purposeful omission of a TSM alternative that compares an optimal all-bus system for East King County to the proposed East Link build alternative.

NEPA requirement

Several contributors to the NEPA East Link environmental scoping in 2006 pressed for inclusion of a strong all-bus alternative. This request was reiterated in comments on the 2008 draft EIS, and in comments on a 2009 supplemental draft EIS.

In response, Sound Transit has refused to include an enhanced all-bus transit system Build alternative for East King County in the Final EIS and the expected Record of Decision. The last response from Sound Transit in the Final EIS (Response to CETA comment EL663-1) is "As no agency has adopted a policy, developed a plan, or identified funding for a high-performance express bus service for the same markets that East Link light rail is designed to serve, the described service is not reasonable and foreseeable and has not been included in the Final EIS." Sound Transit makes reference to earlier screening out of bus alternatives carried out by the agency's consultants during 2005 as part of its Light Rail Master Plan Update released during 2006 prior to the EIS scoping.

The failure to analyze a competitive bus alternative to light rail in the East Link DEIS and FEIS is a breach of the National Environmental Policy Act (NEPA). The NEPA process Section 1502.14 requires that project proponents: "Rigorously explore and objectively evaluate all reasonable alternatives. Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. Include reasonable alternatives not within the jurisdiction of the lead agency."

East Link LRT – A foreord Choice

East Link was force-selected over other HCT alternatives for East King before an EIS process was initiated for the project. As a result Sound Transit ruled out any all-bus TSM alternatives for inclusion in the EIS process.

Response to comment ELFEIS018-1

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]]. For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal Register: February 14, 2007, Vol. 72, Number 30) and guidance found at: <http://environment.fhwa.dot.gov/integ/related.asp>

ELFEIS018-1

Honorable Ray LaHood, August 16, 2011

Page 2 of 5

Sound Transit was created as a regional agency to promote and create a rail transit system for the three-county central Puget Sound region. In 1994 it adopted a 125-mile light rail master plan plus an 80-mile commuter Rail line from Tacoma to Everett. In 1995 its 80+ mile Phase 1 light rail program was rejected by voters. The light rail project was scaled down to a 21-mile "starter rail" line, and a Regional Express bus element was added to gain support of the suburban subareas of the Sound Transit tax area. The regional bus routes were placed on routes that over time would be replaced by extensions of the light rail system. This revised Phase 1 *Sound Move* program was adopted by voters in 1996.

ELFEIS018-2

In 2006 Sound Transit updated its long range regional transit plan. It devised ways to show light rail as the preferred transit mode alternative (that is its mission) and reconfirmed the 125-mile light rail system, plus further extensions, that would totally replace its Regional Express bus system. The PSRC included this LRT master plan in its subsequent MTP update since it had no other agency than the Sound Transit rail agency to look to for regional transit plans.

In a 2005 *Issue Paper E-1* and its supplemental papers, Sound Transit forced a choice of LRT over the other system alternatives based on transit ridership on the I-90 trans-lake bridge crossing and the way it constructed the non-LRT alternatives. The only all-bus transit system alternative evaluated was termed the HOV/BRT alternative. Rather than constructing a bus system that could operate both on and off available priority transit/HOV facilities, Sound Transit devised a system that forced BRT to emulate LRT – operating only on exclusive BRT guideways with stations fed by local transit and park-ride access, and with BRT buses making stops at all stations (no skip stops for buses when full). To escalate the capital cost estimate of the HOV/BRT alternative, the alternative included multi-\$billion rebuilds of the SR-520 and I-90 interchanges with I-405 to provide freeway-to-freeway transit/HOV ramp systems.

As to ST's claim that LRT would serve 60% more riders on the I-90 corridor than the HOV/LRT alternative, ST's own Expert review Panel as well as many others severely criticized that finding because it did not show transit use on both trans-lake bridges. By Public Disclosure request MacIsaac obtained from Sound transit its 2030 total systemwide transit estimates together with estimates on both bridges. The estimates obtained from ST are highlighted in yellow on the following exhibit. MacIsaac prepared the combined bridge estimates in the bottom table.

ELFEIS018-3

The difference in systemwide transit ridership among alternatives (top table) is statistically insignificant – less than +/- 1% from systems average. Due to forced emulation of LRT for the other system alternatives, the transfer rate increased from 1.37 under No ST2 action to 1.59 average among the five alternatives. For the two bridges trans-lake transit usage today is about 60% via SR-520 (even without transit/HOV lanes on the bridge) and 40% via I-90. The HOV/LRT alternative generally maintained that ratio – the minimum time O-D patterns for trans-lake trips. The way the LRT alternative was coded for East Link, East Link forced more than a complete reversal of bridge use by transit – to 30%/70%. That is why LRT showed a far superior use of the I-90 corridor compared to the other alternatives. Though faulted by its own ERP, Sound Transit never did publish transit use estimates for both bridges in any of its supplemental papers.

See: http://www.soundtransit.org/documents/pdf/projects/seis/1_I-90_East%20King%20County%20High%20Capacity%20transit%20Analysis%20-%20.pdf

Response to comment ELFEIS018-2

Please see Section 1.3 of the Final EIS for a brief description of the process in selecting light rail as the preferred technology, including the update and environmental review process for the Regional Transit Long-Range Plan that occurred between 2004 and 2006. The East Link Light Rail Transit Project identified in ST2 was approved by voters in November 2008. Sound Transit's mission is to provide high capacity transit (both regional bus and rail service, including both light rail and commuter rail). Regional Express buses will continue to operate independent of and as a complement to light rail system as the light rail network expands. Sound Transit works closely with the PSRC and other transit agencies in the region (King County Metro, Pierce Transit and Community Transit) in planning regional transit. For a high-capacity transit (HCT) system to maximize efficiency and ridership, it should operate in an exclusive right-of-way. This is what was evaluated for Sound Transit's Long-Range Plan. Based on the analysis, the Sound Transit Board identified light rail as the mode for the East corridor.

Response to comment ELFEIS018-3

Mode share information on both the I-90 and SR 520 crossings of Lake Washington is provided in Table 3-19 of Chapter 3 of the Final EIS. With the East Link Project, the transit mode share would increase by up to 25 percent across Lake Washington, while the HOV and SOV mode shares decrease. Transit transfer rate information for the No-Build and Build conditions is provided in Table 4-10 of Appendix H1. East Link would have a slightly less transit transfer rate than the No-Build alternative as East Link is planned to connect with North Link to provide a one-seat transit trip in the study area.

Sound Transit's ST Express bus service, as well as King County's transit routes, were analyzed for the level of service and operations. As shown in Table 3-7 of Chapter 3 of the Final EIS, transit service along I-90 operates about 50 percent on-time for level of service (LOS) of either E or F. Future light rail service across I-90 is expected to have a reliability of LOS A. Light

2030 Total Daily Transit Ridership – Five East King System Alts

Scenario	Total Linked Trips	Boardings Local Bus	Boardings HCT ¹	Total Boardings	Transfer Ratio
	HOV/BRT	653,700	680,600	346,400	1,027,000
Busway/BRT	654,400	677,400	360,900	1,045,900	1.60
LRT	658,000	646,000	387,000	1,035,000	1.57
Monorail	650,100	664,500	368,500	1,033,000	1.59
RC BRT	652,600	663,800	379,000	1,042,800	1.60

¹ Includes Regional Express Bus boardings

Source: Sound Transit, supplement to Issue Paper E-1: I-90/East King County High Capacity Transit Analysis, March 2005

2030 Transit Ridership on I-90 Across Lake Washington

	Total Daily		Pk Hour, Pk Direction		
	4-Lane SR-520	6-Lane SR-520	4-Lane SR-520	6-Lane SR-520	
	HOV/BRT	38,800	29,500	3,700	
Busway/BRT	37,900	29,400	3,700	2,500	
LRT	58,800	51,500	5,500	4,500	70%
Monorail	43,200	35,600	4,200	3,200	
RC BRT	47,400	39,400	4,800	3,600	

2030 Transit Ridership on SR-520 Across Lake Washington

	Total Daily		Pk Hour, Pk Direction		
	4-Lane SR-520	6-Lane SR-520	4-Lane SR-520	6-Lane SR-520	
	HOV/BRT	24,000	39,500	2,200	
Busway/BRT	25,900	41,000	2,300	3,800	
LRT	9,100	18,600	700	1,800	30%
Monorail	15,700	25,600	1,400	2,800	
RC BRT	15,000	25,900	1,200	2,600	

2030 Transit Ridership on Both Bridges Combined

	Total Daily		Pk Hour, Pk Direction		LRT AM Pk Hr
	4-Lane SR-520	6-Lane SR-520	4-Lane SR-520	6-Lane SR-520	
	HOV/BRT	62,800	69,000	5,900	
Busway/BRT	63,800	70,400	6,000	6,700	6,400
LRT	67,900	70,100	6,200	6,400	70,100
Monorail	59,900	84,200	5,600	6,000	3,150
RC BRT	62,400	66,300	5,800	6,200	33%

Source: Sound Transit, Presentation to ERP on April 3, 2005.

Data as supplied by Paul Matsuoka on request

ELFE1501R-3

rail will also operate with more frequent headways during the peak and off-peak periods of the day compared to Sound Transit's ST Express service and operate for more hours of the day. East Link will have an overall transit travel time savings (door-to-door) of about 9 minutes compared to buses. This information is provided in Section 3.4.

Honorable Ray LaHood, August 16, 2011

Page 4 of 5

ELFEIS018-4

In summary, LRT was selected as the preferred alternative for the Eastside HCT system over the bus alternative by forcing the bus alternative to emulate LRT operations, focusing only on the forced shift of trans-lake transit ridership to the I-90 corridor with the LRT alternative, and assuming major multi-\$billion rebuilds of the I-90 and SR-520 interchanges with I-405 to add Transit/HOV ramp systems for the HOV/BRT alternative. The Issue Papers had little public exposure without comment periods. ST unilaterally (with support of East King rail-seeking elected officials) selected the LRT alternative for East King and forced the PSRC to include it in its MTP without focused public input on the lack of alternatives to East Link.

ELFEIS018-5

Today the Puget Sound region has one of the most successful bus transit systems in the country. Express buses perform their own collection/distribution services then express to destinations via the extensive Transit/HOV lane systems. One ST Express Bus route 550 between downtowns Seattle and Bellevue already provides the primary service of East Link at travel times and frequencies comparable to East Link. Other existing regional bus routes (545, 554 and 555/556) currently provide equal and in some cases better travel times between Seattle and Eastside cities compared to East Link. No attempt was made to simply expand upon the existing regional transit system as a TSM alternative to the expensive East Link project.

Secretary LaHood, we urge you and the FTA and the FHWA to require development and evaluation of a reasonable expansion of the current region's bus transit systems as an alternative to the East Link project, as required by NEPA, before you prepare and issue your RODs.

Thank you for the opportunity to comment

Sincerely,



James W. MacIsaac, P.E.

MacIsaac has over 45 years of professional transportation engineering experience with the planning of transportation systems in the Puget Sound region, beginning with the Puget Sound Regional Transportation Study (PSRTS) in 1965 – the first ever multi-county computerized land use and transportation study for the region. He served as the most senior transportation engineer with the Puget Sound Council of Governments when it absorbed its regional transportation functions in 1967. He later served with two international transportation consulting firms before forming his own transportation engineering firm which he managed for 20 years before going into individual consulting practice. Before and since retirement in 2003 he has served on technical committees for several regional transportation projects, including extensive monitoring of the Sound Transit regional transit programs.

Response to comment ELFEIS018-4

Please see response to comments #ELFEIS018-1 and 18-2 above.

Response to comment ELFEIS018-5

Your comment has been noted. Please see response to comments ELFEIS018-1 and 18-2 for a discussion why the TSM and BRT alternatives were not considered in the Final EIS. Please see Section 3.4.3.2 of the Final EIS for a discussion of bus level of service and operations.

Honorable Ray LaHood, August 16, 2011

Page 5 of 5

Cc:

Federal Transit Administrator Peter Rogoff, peter.rogoff@dot.gov

Rick Krochalis, Region X Administrator, FTA, rick.krochalis@dot.gov

John Witmer, Community Planner, FTA Region X, john.witmer@dot.gov

Victor Mendez, Federal Highways Administrator, victor.mendez@dot.gov

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No comments

- n/a -

Letter ELFEIS019

William Popp Associates

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No comments

- n/a -

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August 15, 2011

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Subject: Comments on FEIS for Sound Transit's East Link Proposal

Recipients:

The information presented herein may substantially impact the decision being contemplated with respect to Sound Transit's (ST) preferred B2M alternative as represented in the project FEIS. As a result of a review starting with *FEIS Chapter 7, Section 7.6 Review of City of Bellevue B7R Study*, we have uncovered new information and opportunities as well as heretofore unrecognized crucial mistakes, omissions, and some misrepresentations impacting the choices made in the selection of ST's preferred alternative. These new issues and opportunities were discovered by selectively reviewing information in the DEIS, SDEIS, FEIS and the City of Bellevue's B7R study (aka ARUP study or B7R/C9T study).

As you may be aware, the B7 alternative analyzed by ST in the SDEIS was B7/C9T which included a station and small garage at a remote location (118th Ave SE) and another station at Main Street on the Red Lion site with the alignment connecting directly to the Main Street tunnel portal of the 110th Ave SE C9T alignment. This is the same tunnel alignment that ST's preferred alternative B2M connects to.

The B7R/C9T alternative included a station and large garage at I-90/Bellevue Way (B7R portion), and a station at Main Street with a connection to a shortened 110th Ave SE tunnel alignment via NE 2nd Street. The B7R/C9T alternative or possible variations thereof represent the City of Bellevue's preference.

My standing to provide comments on this issue comes from 35 year residency in the impacted Enatai neighborhood, many years of professionally compensated involvement with transportation planning issues in Bellevue and the eastside of Lake Washington, and a background of regional transportation planning with the Puget Sound Council of Governments (forerunner of Puget Sound Regional Council).

Some of the foregoing comments on the FEIS are admittedly lengthy and technical but necessary to convincingly frame the issues. The comments are decidedly focused on the Segment's B and C and are as follows.

1. Future LOS estimates on Bellevue Way are irrational.

The ST intersection traffic analysis (Appendix H1, Sub Appendix D) shows PM peak LOS F at the South Bellevue Park and Ride lot (SBP&R) signalized intersection for 2007 (believable) and LOS D for no-build (unbelievable) as well as build in 2020 and 2030. The future year LOS estimate for no-build cannot be better than existing when there is no improvement proposed for Bellevue Way, I-405 is operating at capacity even with its assumed Master Plan improvement, the Bellevue CBD is forecast to double in trip generation, and there are frequent existing traffic congestion events in the corridor. And the ST build proposal (signal at south driveway to P&R and southbound HOV lane conversion of center turn lane) only provides an insignificant (5 sec) improvement in the LOS delay value vs no-build. This deficiency should be corrected prior to finalizing mitigation for the ROD.

2. ST Forecast model problem is recognized.

In the absence of Bellevue Way widening or significant diversion to I-405 which is at capacity in 2030, the no-build can only be better than existing if the forecast volumes are lower than existing. And that is what has apparently happened. The ST traffic forecast volumes on Bellevue Way and 112nd Ave SE are acknowledged as up to 20% "different" (translation -- lower) than the BKR volumes (see FEIS Chap 7 discussion on p.7-39). And 20% reduction in volume can cause a two level-of-service improvement which would take it from F to D. Note -- when this author made a Public Records Request for the ST forecast volumes in January 2011 (PD 10-211), the reply was these are not available, otherwise the deductive reasoning would not be necessary.

According to the FEIS Appendix H, sub Appendix A, the PSRC model modal split run and adaption and import of vehicle trip tables to Bellevue-Kirkland-Redmond (BKR) is supposed to "be consistent with the vehicle demand distribution found in the future year BKR model" -- but there is no mention of trip generation consistency. And to argue that the difference is due to diversion of SOV trips to transit trips is disproved by the no-build results and is not believable for the build either given the anemic market share of person trips that East Link actually captures. There is also no calibration documentation, or formal approval information that we have found in the FEIS.

It is not likely that ST's ad-hoc model would produce more credible traffic forecasts than the BKR model on which the City has spent years and millions of \$ and has produced documentation which has been periodically reviewed by a number of agencies. In addition the City bases its land use and transportation plans and programs and concurrency approvals on use of this model as do the cities of Kirkland and Redmond.

The obvious discrepancies in the ST traffic forecast should be corrected prior to finalizing mitigation for the ROD.

3. Use of an understated forecast results in substantially understated B2M traffic impacts.

Response to comment ELFEIS019-1

The intersection analysis was conducted according to the Transportation Methods and Assumptions Report included in Appendix A of Appendix H1 of the Final EIS. Within this report, the approaches for the travel demand forecasting and intersection analysis are described. This report and analysis was coordinated and reviewed with all cooperating agencies, including the City of Bellevue.

At the Bellevue Way SE and the South Bellevue Park and Ride intersection, Sound Transit received an existing conditions signal timing file from the City of Bellevue prior to the East Link DEIS. Since that time, the City of Bellevue has indicated they have adjusted signal operations along Bellevue Way SE. Because the existing conditions year of analysis is year 2007, no adjustments were performed to the intersection signal phasing. In the future year analysis, adjustments were performed based on the Transportation Methods and Assumptions Report and the intersection performance improved.

Response to comment ELFEIS019-2

The transportation forecasts in Segment B (and along Bellevue Way SE) are predicted to increase in the future as stated in Table 3-1. As the East Link project is a regional project spanning many jurisdictions, using the adopted regional PSRC model (with detailed transportation network refinements from the Bellevue-Kirkland-Redmond [BKR] model) is an appropriate travel demand forecasting approach. As part of the calibration process undertaken for the East Link project, base year data from the PSRC model was within 10 percent of existing volumes. Throughout the EIS process, the forecasts and general modeling approach was coordinated and reviewed with all cooperating agencies, including the City of Bellevue.

Response to comment ELFEIS019-3

Section 3.6.3 of the Final EIS describes roadway improvements included in Alternative B2M to improve access and circulation surrounding the

<p>ELFEIS019-3</p>	<p>ST does not acknowledge the need for any mitigation on Bellevue Way since they show future LOS D at the P&R intersection, although they do discuss an optional minor fix consisting of signaling the south driveway and optionally converting the existing center two-way-turn lane south of the P&R to a southbound HOV lane. But the impacts of these improvements is a very minor 5 second reduction in their delay estimates. With the existing traffic and/or the BKR forecast, improvements are needed for operation of the P&R facility and mitigation of impacts on Bellevue Way and 112nd Avenue corridor traffic flows.</p>
<p>ELFEIS019-4</p>	<p>The traffic congestion and resulting neighborhood diversions likely to be created by the unmitigated B2M proposal will negatively impact the daily lives of thousands of residents in at least four communities, not to mention the accessibility of the retail core of the CBD. This issue is currently unrecognized and the situation needs to be corrected prior to finalizing the ROD.</p> <p>It is estimated that a new southbound GP lane is needed on Bellevue Way from the 112th wye to I-90 to provide adequate traffic operations for the existing SBP&R condition as well as to address the corridor LOS needs with B2M garage operation. This independent conclusion could be accepted or verified with new forecast and LOS analysis to inform the final alignment decision and the ROD.</p> <p>4. The impacts and cost of the added GP lane improvement represent a substantial change in the proposal.</p> <p>Per City of Bellevue staff, the cost of the added lane is approximately \$30 to \$40 million. This amount should be added to the B2M FEIS project cost as it is required for satisfactory operation of the P&R lot, represents a substantial change to the proposal, and the implementation thereof is likely to cause significant adverse impacts (WAC 197-11-440(6)(c)(iv)) to residents, topography and flora and fauna along the bluff on the west side of Bellevue Way. Per the WAC, detail analysis of this mitigation is required.</p>
<p>ELFEIS019-5</p>	<p>5. The impacts and cost of ST's current mitigation proposals along 112nd Ave north of the "Y" represent a substantial change in the proposal.</p> <p>The most recent mitigation proposal consists of an elevated crossing of 112nd Ave SE at about SE 15th St and a west side running alignment partly elevated along Bellefield Park Condominiums and Surrey Downs with additional property and park takes and an undercrossing of SE 4th St along with a new partial trench station. Estimated cost for this revision is \$35 million. The estimated cost of this change should be added to the B2M FEIS cost for comparisons to the B7R and other alternatives.</p>
<p>ELFEIS019-6</p>	<p>6. FEIS fails to present the beneficial impacts of closure of the SBP&R lot on Bellevue Way and 112th Ave SE corridors as a result of B7R.</p> <p>The ARUP BKR-volume-based Traffic Impact Analysis (ARUP Technical Memorandum 04¹) indicates that the signalized intersection at the SBP&R will operate at LOS F for AM and PM under the 2030 B7/C9T condition (existing P&R in operation) and LOS B and C respectively for B7R/C9T (lot closed). It also</p> <p><small>¹City of Bellevue East Link Light Rail B7/C9T to NE 2nd Portal (B7 - Revised) Alternative TM04 - South Bellevue Traffic Impact Analysis 215382/TM04, Final June 2011</small></p>

South Bellevue Park and Ride. These roadway improvements would provide a similar intersection LOS with the project compared to the No-Build Alternative.

Response to comment ELFEIS019-4

As described in Chapter 2 of the Final EIS and per the Sound Transit Board Resolution No.2011-10, the selected alternative does not include an additional lane on Bellevue Way SE north of the South Bellevue Park and Ride. The Final EIS transportation study reports that another lane north of the South Bellevue Park and Ride is not necessary for satisfactory operation of this facility and traffic operations around the facility.

Response to comment ELFEIS019-5

To follow through with Sound Transit Board's Motion M2011-62, the City of Bellevue and Sound Transit are working to develop an agreement that would provide for evaluating possible modifications to the project scope to address city goals of mitigating traffic, noise and visual impacts to the surrounding neighborhoods. The modifications must remain within the ST2 budget. The cost and effects of the possible modifications will be evaluated. If these changes are outside the range of impacts and alternatives evaluated in the Final EIS, then additional environmental review may be necessary.

Response to comment ELFEIS019-6

The B7R option represents suggested revisions to the B7 alternative by the City of Bellevue, as described in Chapter 7 of the Final EIS. Traffic operations along Bellevue Way SE are influenced by a variety of sources. These factors include the park and ride but also the freeway operations along I-90. Much of the traffic congestion experienced along Bellevue Way SE is created in part from the I-90 mainline conditions. As both B7R and B2M include a park-and-ride along Bellevue Way, many transportation effects are similar although the South Bellevue Station with Alternative B2M is located on the east side of Bellevue Way SE while

with B7R the station would be located within the Enatai neighborhood on the west side of Bellevue Way SE.

We rechecked the statement on page 7-39 regarding satisfactory intersection operations with Alternative B7, and the statement is correct. This statement is based on the intersection operating at LOS D in year 2030 as indicated in Appendix D (page D-5) of Appendix H1.

quantifies, with micro-simulation modeling, the huge PM peak hour corridor delay to the north that this existing P&R operation causes – without the added burden of a tripled lot size as per B2M.

ELFEIS019-6

The Memorandum also suggests that B7R protects the Enatai neighborhood from traffic diversions from Bellevue Way due to the freer operation of that corridor with the elimination of the SBP&R lot.

The FEIS (p. 7-39) incorrectly claims that the SBP&R Intersection operates satisfactorily under B7/C9T and fails to present the quantified substantial beneficial impacts of closure of the SBP&R lot on Bellevue Way and 112th Ave SE corridors as a result of B7R/C9T.

7. B7R presents a huge environmental windfall that constitutes significant new information.

ELFEIS019-7

This is in the form of potential conversion of the 11.5 acre SBP&R lot to park and wetland for the Mercer Slough area. Since this environmental opportunity is not discussed in the ARUP studies it is not considered an FEIS omission since this is essentially new information. But it is assumed in the FEIS that the lot would close with B7R. This potential action essentially offsets all of the B7R's limited permanent park and wetland and impervious surface environmental impacts and makes up for a host of past and some future environmental takings in the Slough as well.

8. FEIS misstates impacts on Enatai neighborhood character and traffic patterns.

ELFEIS019-8

FEIS (p-7-39) claims the Environmental Technical Memorandum says the B7R garage and station would "substantially change the character of the Enatai neighborhood because it would add intense activity, change neighborhood views and alter traffic patterns". The Enatai neighborhood is huge at 952 residential units, within limits of the neighborhood recognized by City of Bellevue as a sub area, and by the Enatai Neighborhood Association. The actual statement deals with only the residences on the west side of 113th Avenue SE and the impact on their views and aesthetic character with merging of local residential and transit traffic at the north end of the garage. And the Traffic Impact Analysis Memorandum observes that there should be very little negative traffic impact on the south Enatai neighborhood and points out the unlikelihood of traffic diversions through the Enatai neighborhood due to B7R.

9. Opportunities Identified in the ARUP report to save substantial costs in the B7R/C9T alignment are not mentioned in the FEIS.

ELFEIS019-9

Since costs and ridership are the principle criterion utilized by ST for the preferred alignment selection, the next several issue points are focused mainly on cost as the ridership is better than the B2M datum.

ARUP's suggestion for deleting the East Main station and realigning C9T results in a cost reduction of some \$115 million (without considering residual value for the Red Lion site or tunnel cost adjustment) and there is only a minor reduction in estimated ridership of 1000 boardings. For only \$6 million more a gently curved at-grade station abutting the future I-405 RoW could be incorporated if an ST design deviation were to be obtained.

Response to comment ELFEIS019-7

The City of Bellevue's B7R study did not suggest that the South Bellevue Park and Ride lot could be converted to park and wetland for the Mercer Slough area. WSDOT owns the South Bellevue Park and Ride Lot property. If the lot was closed under the B7R proposal, WSDOT may choose to use the site for other purposes and it would not automatically be available for wetland mitigation. Furthermore, preservation of existing wetlands is a preferred method of mitigation over creation of new wetlands, which is what would be required in this situation.

Response to comment ELFEIS019-8

As stated, this description of neighborhood effects comes from the City of Bellevue's Environmental Technical Memorandum that evaluated the B7R. Please see Sections 7.6.2.4 and 7.6.1 of the Final EIS for discussion summary of the City's analysis of how the proposed B7R station and garage would change neighborhood views and alter traffic patterns, respectively. The station and garage would be located on a bluff in the Enatai neighborhood as shown in Exhibit 7-2 of the Final EIS and would thereby increase activity in this neighborhood. The station and garage does not need to affect all elements of the neighborhood to have an effect on the character of the neighborhood.

Regarding traffic issues, the station is located within the Enatai neighborhood on the west side of Bellevue Way SE. An access road into the station is also located within Enatai and therefore provides a viable connection for park and ride users to potentially travel on within the Enatai neighborhood.

Response to comment ELFEIS019-9

Sound Transit worked with the City of Bellevue and ARUP to provide base cost estimating information. The City presented their estimated costs and cost saving considerations, as well as environmental effects of this combination to Sound Transit. This information is compared with the most closely represented fully studied Final EIS alternative, the B7 and

ELFEIS019-09

An additional \$15 to \$20 million savings "opportunity" is also identified by using the more appropriate corridor estimate method for the BNSF RoW versus ST's "across the fence" method.

Initial cost reduction for the above items is \$130 to \$135 million. Because the City of Bellevue stopped the ARUP study due to budget ceiling and to inform the FEIS process, these potential cost reductions were not fully documented. But in light of the importance of costs and the changing comparison datum, the decision makers should have the advantage of that information prior to finalizing the ROD, unless there is a favorable decision on Issue 12 below, which then takes precedence.

10. The costs for B2M/C9T substantial changes and ARUP "opportunities" should be incorporated in the final alignment decision.

ELFEIS019-10

B7R/C9T is noted in the FEIS as \$150 million more expensive than B2M/C9T (it is actually \$140 million). However, the added costs for B2M/C9T mitigation include Bellevue Way widening of \$35 million and an estimated cost of \$35 million for the new 112th Ave SE grade separation and west-side running proposal per issue points 4 and 5. Therefore, with say \$135 million in cost reduction opportunities for B7R and the additional mitigation costs of some \$70 million for B2M/C9T, the B7R alignment now has the cost advantage at some \$65 million ($140 - 135 - 70 = 65$). The decision makers should have the advantage of this information prior to finalizing the ROD, unless there is a favorable decision on issue 12 below, which then takes precedence.

11. FEIS considers B7R/C9T costs not directly comparable to ST's.

ELFEIS019-11

This is believed to be an unstudied position on ST's part. A great deal of effort reportedly went into maintaining an "apples to apples" comparison with the SDEIS data, even to the extent of having ST prepare the RoW estimates after ARUP had already completed theirs. In fact it is ST's RoW estimates and practices that are the most problematic for the industry experts. But for the construction cost estimates, we found that ARUP closely followed the ST model and in those cases where the ARUP unit costs varied from ST's, the ARUP costs were typically higher. This consultant considers that if ST were to carefully examine ARUP's cost estimate detail it would find this to be true. Since the FEIS cites the B7R project costs as noted in issue 10 above, there is apparently a certain level of acceptance of the estimates. We consider the ARUP estimates to be representative of ST's cost estimate practices as applied to East Link and are thus used herein for comparison and conclusion purposes.

12. Unexplored benefits of B7R/C14E

Costs

ELFEIS019-12

A B7R/C14E combination is not addressed in the FEIS due, it is believed, to late receipt of the ARUP reports. There are a number of advantages to this combination the most significant being the cost, which is lower than B2M/C11A, the ST cost datum. This astounding fact eliminates the need for Bellevue and ST to come up with some \$320 million in additional funds and/or savings for the tunnel. There would be no contribution required from the City or ST.

The cost of C14E per the FEIS is \$495 million, cheaper by \$60 million than C11A and \$295 million less than C9T. And the cost advantage of the B7R/C14E combination versus B2M/C11A, without any "opportunities" adjustment to ARUP's B7R estimate, is now \$85 million assuming the latest B2M mitigation costs of \$70 million. Without the mitigation, the cost advantage is still positive at \$15

C9T Alternative— to the degree that information was available- in Section 7.6 of the Final EIS. As described on page 7-37 of the Final EIS, the City's cost estimates declare that B7R would cost 10 to 14 million dollars more than the B7 to C9T alternative.

Response to comment ELFEIS019-10

See response to comments #ELFEIS019-04 and -05 above.

Response to comment ELFEIS019-11

Sound Transit worked with ARUP and provided them cost data as requested. Sound Transit reviewed the cost estimate and found that while many portions were comparable, some assumptions differed from Sound Transit's light rail construction experience. However, Sound Transit used the cost estimates as presented for comparative purposes.

Response to comment ELFEIS019-12

B7R would be more expensive than Alternative B7. A B7R/C14E combination, while being within the ST2 plan budget, would have lower than average ridership. Sound Transit's study of the right of way "opportunities" are not fully possible along the former BNSF corridor since the project must incorporate future freight/commuter rail within the right of way. Please refer to comments #13, 14 and 15 of this letter for additional responses.

ELFEIS019-12

million. And with only the Row "opportunities" adjustments to B7R, the cost advantage is \$30 to \$35 million. In other words ST could save at least \$15 to \$35 million from their baseline budget.

But a more appropriate action would be to allocate those savings for an extension of the C14E moving sidewalk to 104th Avenue which would greatly improve the 5 and 10 minute walk-shed for the NE 6th St station, and thus its ridership. The desirability of that people mover spine has been long recognized dating back to 1976 when a people mover grant application was filed with UMTA (now FTA).

ELFEIS019-13

Ridership

On the ridership front, B3/C14E which is similar in stations to B7R/C14E, has a total east link ridership of 48,500 which compares favorably to 49,000 for B2M/C11A and 50,000 for B2M/C9T. The C14E downtown station attracts some 4000 riders under the B3 combo and we estimate that the station will easily pick up another 1500 - 2000 riders with an extension of the moving sidewalk west from 110th to 104th plus a walk link across the freeway on the planned extension of NE 6th St to serve the planned CBD expansion including TOD development of the auto row area. This missing NE 6th Street pedestrian link is an apparent mistake in the SDEIS and is believed to have negatively affected transit share for the NE 6th Station.

The B7R station should also increase by some 500 trips as found in the ARUP documents and which were not used for unexplained reasons. It is quite likely that B7R/C14E with some pedestrian system enhancements per above will have CBD and total system ridership that is superior to all tested alternatives. A modal split run to verify is not a significant expense.

Environmental

With the above modest adjustment to the ridership estimate, C14E is better than C11A or C9T on 17 out of the 24 total comparison criteria used in the FEIS. Construction risks and traffic impacts are substantially moderated with this combination. Regarding B7R, the FEIS does not contain full comparison data but if it did the data should be vastly superior to B2M with adjustment for the substantial environmental and traffic benefits of closure of the South Bellevue Park and Ride lot, plus recognition of the environmental benefits of the gantry construction method for crossing the Slough as discussed in the ARUP study.

ELFEIS019-14

In addition, the elimination of substantial residential takings and avoidance of direct noise and exposure impacts on four residential communities cannot be overstated in terms of social and environmental benefit. In addition the elevated C14E substantially avoids impacts on Sturtevant Creek.

With respect to noise, the B7R analysis repeated the same mistakes of the SDEIS in that a cross-over track, which is a major source of noise, is located adjacent to the first apartment complex at the south end of the BNSF corridor. In addition, most if not all, of the existing residential properties in the BNSF corridor have already been mitigated for excessive noise associated with I-405 and the prior railroad use as a condition of building permit approval. No recognition of that fact is given in the FEIS.

Conclusions

B7R/C14E combo is some \$15 to \$35 million less than ST's baseline B2M/C11A budget. With the needed mitigation for B2M, the theoretical difference could be as high as \$85 to \$105 million. This

ELFEIS019-15

Response to comment ELFEIS019-13

A moving sidewalk was proposed by the City of Bellevue as part of Alternative C14E to connect with the Bellevue Transit Center to provide a link to other modes of transit. A sidewalk extension to the west beyond the Bellevue Transit Center would need to be completed by another agency or private interest. Extension of this sidewalk was not considered to the east along NE 6th Street as the NE 6th Street extension project was not considered a reasonable and foreseeable assumption by year 2030. A list of the background projects assumed in the transportation analysis is provided in Appendix A of Appendix H1 of the Final EIS. This list of background projects was reviewed and coordinated with the City of Bellevue and WSDOT.

Response to comment ELFEIS019-14

Your comment has been noted. The B7R comparison provided in the Final EIS was based on the studies prepared by the City of Bellevue on this option.

The Noise Section 4.7 of the Final EIS has been updated since the Draft EIS to reflect the noise barriers as installed by the I-405 South Bellevue project. The location of the cross-over along the former BNSF corridor was also studied further in preparation of the Final EIS. The findings were that the cross-over could only be shifted slightly due to profile and alignment constraints in where the cross-over can feasibly be positioned. This adjustment is reflected in the current design and noise and vibration analysis in the Final EIS.

ELFEIS019-15

astounding result means there is no need for Bellevue and ST to come up with some \$320 million in additional funds and/or savings for the downtown tunnel. Accordingly, there would be no contribution required on the part of the City or Sound Transit for this alternative. The budget savings could be used to extend the moving sidewalk to the west for a likely substantial increase in boardings for Link as well as the bus system. With this feature, ridership could be superior to all other alternatives.

In addition B7R/C14E has substantial environmental and community benefits that have only been fully assessed for C14E. The FEIS does not contain full environmental comparison data for B7R, but if so, it should be vastly superior to B2M in light of the substantial benefits for the environment and traffic flow resulting from closure of the SBP&R lot and the avoidance of serious impacts on the four residential communities along Bellevue Way and 112nd Avenue SE. And finally, the costs for the B7R/C14E combo are considerably more controllable than other alternatives due to the generally lower construction risks and much lower amounts of utility and traffic interference.

11. Overall conclusion

ELFEIS019-16

Summarizing comments 1 thru 10 above, the FEIS does not recognize the traffic forecast underestimate that exists in the Bellevue Way corridor and consequently does not identify the substantial mitigation needed to accommodate the appropriate forecast. The FEIS also does not address the mitigation along 112nd Avenue SE that is currently being negotiated between ST and the City. These mitigations being negotiated and/or needed for the B2M/C9T alignment are very costly and result in more residential neighborhood impacts and takings. These revisions represent a substantial change in the proposal and introduce significant adverse impacts to residents, flora, fauna and parks along the west sides of Bellevue Way and 112nd Ave SE; and these should be analyzed per SEPA rules.

ELFEIS019-17

It should be recognized that with the new B2M costs versus the cost reductions associated with East Main Station elimination in B7R/C9T, and the favorable ridership for B7R, the principle stated obstacles to the ST acceptance of B7R/C9T are eliminated. It should also be recognized that new information regarding the potential SBP&R conversion to park and wetland as well as misinformation due to erroneous data used in the EIS studies have technically reopened the discussion for a potential change in the selection of the preferred alignment.

And in that context, the parties involved in the final alignment decision should also acknowledge and deliberate the potentially immense cost savings, plus environmental, residential and business community benefits that could accrue to all by implementation of C14E with B7R.

Sincerely,

William Popp, Sr., P.E.
billsr@wntpponassoc.com

Response to comment ELFEIS019-15

Your support for B7R and C14E has been noted.

Response to comment ELFEIS019-16

Responses to these concerns are addressed in the previous responses. If at any time, Sound Transit finds that the mitigation measures, which include refining design of the alignment, should result in environmental impacts not within the range of those already disclosed in the Final EIS, then Sound Transit would consider conducting additional environmental review as appropriate.

Response to comment ELFEIS019-17

Responses to your concerns on the environmental review and cost estimating are addressed in responses to comments ELFEIS019-01 through -14 above. Your support for the B7R/C9T and B7R/C14E has been noted.



August 22, 2011

Hon. Ray LaHood,
Secretary of Transportation
U.S. Department of Transportation
Washington, DC

RE July 2011 Final Environmental Impact Statement for East Link Light Rail in Seattle (FEIS), and May 2011 draft Final Interchange Justification Report (IJR) for the Sound Transit I-90 East Link Project.

Dear Secretary LaHood:

Sound Transit is proposing to make vast changes in an important segment of Interstate 90 with a new light rail line. Both the final FEIS and the draft IJR for this project attempt unsuccessfully to justify these changes.

We are writing to ask you to require FHWA and FTA to exercise their due diligence before issuance of the U.S. Government's pending dual Records of Decision on I-90 light rail between Seattle and the Eastside suburbs. We believe that analysis of an additional highway-based transit alternative is mandatory under regulations, and important to accomplish before proceeding with America's first light rail takeover of Interstate highway lanes. Insisting that Sound Transit comply with established Federal policy and procedure can only advance USDOT's adopted policy objectives. **The Interchange Justification Report is the key document here.**

CETA is an all-volunteer, pro-transit, non-partisan, non-profit citizen organization. Our mission is to support and advocate for accountable public transportation governance and investments that grow transit, vanpool, and carpool ridership throughout the Puget Sound region in the most cost-effective way.

Based on findings from research funded by FTA and others, we are convinced that retaining, expanding, and strengthening express bus service on the I-90 floating bridge between Bellevue and Seattle will work better than Sound Transit's proposed light rail service. Driven by ideology rather than sound analysis for over two decades, light rail must be able to withstand an objective alternatives analysis as required by Federal law.

In 2006, Sound Transit took the all-bus option for East Link off the table, and won't conduct alternatives analysis for this mode despite the clear regulatory requirement from NEPA and the Interstate Access Guidelines documented in this letter.

The East Link proposal is the first time in America that local government has requested U.S. DOT's permission to take over existing, well-used Interstate Highway and HOV/Bus lanes with light rail tracks. There may well be other projects across the country that will seek to emulate this kind of freeway lane repurposing. For this reason,

CETA c/o 4035 20th Ave West, Seattle, Washington 98199 206-751-4475

Response to comment ELFEIS020-1

FHWA has granted the East Link project a preliminary engineering and operational acceptability approval through the Interchange Justification Report (IJR) Process, pending the EIS Record of Decision (ROD), which is included in the Final EIS as Appendix H to the Transportation Technical Report (Appendix H1 of the FEIS). The IJR process is not the FHWA ROD or an approval of the project, but rather documentation of the technical analysis to conclude if there are any engineering or operational concerns by FHWA on the proposal.

Response to comment ELFEIS020-2

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]. For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR

Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal Register: February 14, 2007, Vol. 72, Number 30) and guidance found at:
<http://environment.fhwa.dot.gov/integ/related.asp>

Honorable Ray LaHood, August 22, 2011, Page 2

CETA urges that the alternatives analysis in the FEIS or the IJR, or both, be exceptionally strong and complete. So far they are not.

Bus-based Alternative

Despite pleas from CETA and others, Sound Transit has ignored the potential of expanding and improving its existing Regional Express bus network to provide frequent service on multiple lines converging on the I-90 corridor. Sound Transit's short response to CETA and others making this request is,

BRT, as an alternative for East Link, was eliminated during the ST Long Range Planning and ST 2 process. Please see Final EIS Section 1.3 - History of East Corridor. As stated in the project Purpose and Need, Section 1.1 of the Draft EIS, the purpose of the East Link Project is to expand the Sound Transit Link light rail system from Seattle to Mercer Island, Bellevue and Redmond via Interstate 90 and to provide a reliable and efficient alternative for moving people throughout the region. Light rail provides the highest level of ridership and the shortest travel times of all technologies evaluated in the corridor.

However, a bus-based alternative would serve far more urban territory than the single light rail line that the agency is proposing, and preserve the existing functionality of I-90 at the same time. Evidence of the strength of the bus mode is seen in the MPO forecast that bus travelers originating in the Eastside suburbs in weekday morning peaks will outnumber rail travelers in 2040 by a ratio of almost two to one. This suggests the viability of strengthening the bus mode as an alternative to adding a new cross-Lake rail mode.

The no-build alternative has been weighed down with unfavorable assumptions and does not come close to representing the performance of an even moderately well designed BRT/TSM alternative. With all that is at stake on this vital Interstate Highway it is especially important for FTA and FHWA to insist on a comparison of realistic alternatives. **Rubber-stamping another comparison of an optimistic rail alternative with a straw man bus alternative would obscure more than it reveals. Too often we have seen that same type of unrealistic comparison used to hide the very trade-offs Federal requirements are designed to illuminate. This time around let's get it right.**

Background

Sound Transit, Central Puget Sound Regional Transit Authority, and Washington State Department of Transportation (WSDOT) are collaborating on a plan to utilize existing reversible HOV lanes of the Interstate 90 between Seattle and Bellevue, Washington for a new light rail line between Seattle, Bellevue, and Redmond. See Attachment 1 for pictures illustrating the plan.

Specifically, the proposed lane conversion requires eliminating seven connections between the Center Roadway and either the local streets or the I-90 westbound and eastbound mainline roadways. In addition, the Sound Transit plan requires a change in

CETA c/o 4085 20 Ave Way, Seattle, Washington 98199 206-761-4475

Response to comment ELFEIS020-3

The East Link Project would close access to and from the reversible center roadway as indicated in Table 5-3 of Appendix H1 of the Final EIS. The center roadway's access locations limit the facility's vehicle capacity and throughput as these access locations are either to or from a congested freeway mainline lane or arterial traffic signals. Because of these connections, the center roadway is predicted to operate under capacity in the future. East Link, which would overall carry up to 50,000 systemwide riders per day, provides bi-directional light rail service in the center roadway.

Please see Response to comment ELFEIS008-1 for a discussion of the additional lane capacity that will be provided on the I-90 bridge by the "R-8A" project.

Sound Transit ST Express bus services as well as King County routes were analyzed for the level of service and operations. As shown in Table 3-7 of Chapter 3, transit service along I-90 operates at about 50 percent on-time for level of service (LOS) of either E or F. Future light rail service across I-90 is expected to have a reliability of LOS A.

Sound Transit's Central Link ridership has consistently increased since service implementation, and it is now much closer to predicted forecasts. The economic recession and unemployment have depressed transit ridership during the first years of Central Link ridership.

Honorable Ray LaHood, August 22, 2011, Page 3

the use of a dedicated all-bus roadway to allow joint operation with light rail, as well as relocation of an HOV direct-access off ramp.

The two center lanes of I-90 – called the Center Roadway -- now carry 15,000 vehicles per day, a combination of cars and buses providing approximately 21,000 person trips per day. Sound Transit wants to install train tracks that will displace all of these vehicles to other lanes of the bridge. This is a change that impacts 26% of the I-90 right-of-way width. The general-purpose lanes of this bridge are forecast to become more congested in peak periods with or without light rail.

Sound Transit generously forecasts light rail to carry 36,000 customers per day in 2030 on the I-90 segment of East Link. However, most of these customers will come from today's high quality bus service. At most 10,000 light rail customers system-wide are forecast to be new riders. That's the equivalent of two new bus routes.

The I-90 performance outlook is poor even if these numbers are accurate. And to date, Sound Transit ridership forecasts have not materialized on its rail lines.

Not only does the environmental analysis of the light rail alternative lack transparency, it is based on an existing WSDOT simulation model that yielded substantially different results when run by WSDOT. No attempt was made to specify and analyze a solution keeping all bridge lanes as they are now and investing instead in an express bus system combined with other transportation system management (TSM) components.

How can Sound Transit claim its light rail is good deal for the Seattle-Bellevue region when:

- ↳ There will be five miles or more of headway space between light rail cars?
- ↳ The remaining lanes of I-90 become more and more congested?
- ↳ It attracts so few new riders?
- ↳ The cost is over three billion dollars?

The public is demanding more accountability for its tax dollars. The Federal government should not accept statements about outcomes without scrutinizing the methods used to achieve those outcomes. For instance, Sound Transit makes the following claims on page 3-41 of its FEIS:

By 2030, the transit mode share percentage across Lake Washington (SR 520 and I-90) would increase by up to 33 percent from the No Build Alternative. People would readjust their mode choices and choose to ride light rail because of faster travel times when compared to bus or auto modes. The overall transit mode share (combined eastbound and westbound) on I-90 alone would more than double from about a 10 and 7 percent share (AM and PM conditions) without the project to slightly over a 20 percent share with the project in both AM and PM conditions.

Response to comment ELFEIS020-4

While the 2006 WSDOT I-90 Center Roadway Study and the 2011 East Link Final EIS were conducted with appropriate transportation analysis methods, the two analyses use different modeling approaches. Refer to Appendix H of Appendix H1 of the East Link Final EIS for a description and overview of the recent I-90 Transportation Studies, including the differences in modeling parameters and assumptions used in the 2006 Center Roadway Study. The East Link Project assumed a set of reasonable assumptions and methodologies that were based on decisions and agreements since the Center Roadway Study was published. Some of these differences include: the East Link analysis assuming tolling on SR 520; utilizing the latest release of the Puget Sound Regional Council's regional travel demand model at the time of analysis; incorporating Sound Transit's ridership transit forecasts into the PSRC forecasts; and assuming a different usage in the I-90 HOV lanes. Additionally, the Center Roadway Study deferred some technical efforts that the East Link project conducted in greater detail. Therefore the East Link analysis better reflects the current understanding of future travel conditions along I-90 when compared to the 2006 Center Roadway Study. Further, the Center Roadway Study confirmed the utility of the center roadway as an HCT facility with no center roadway access for vehicles. WSDOT is a co-lead for the East Link Final EIS, and the transportation analysis provided in the 2011 Final EIS was reviewed and approved by WSDOT.

Response to comment ELFEIS020-5

See response to Comment #ELFEIS020-2 above.

Response to comment ELFEIS020-6

East Link has a planned headway in the horizon year (year 2030) of trains every 7 minutes, although 4 minutes headways would be the maximum. Refer to Section 3.5 of the Final EIS for the I-90 transportation analysis that concludes more people, with similar to faster travel times, are able to cross I-90 with the East Link project compared to the No-Build

ELFEIS020-7

Honorable Ray LaHood, August 22, 2011, Page 4

When no strong feasible alternatives are allowed to be on the table, like BRT/TSM, of course their numbers sound good.

NEPA Requirement

CETA has been demanding analysis of a strong bus alternative while participating in the East Link NEPA process since 2005. We asked for this in the 2006 East Link environmental scoping process, in comments on the 2008 draft EIS, and in comments on a 2009 supplemental draft EIS. In response, Sound Transit has refused to include an enhanced bus and TSM program in their alternatives analysis. The last response from Sound Transit to CETA in the Final EIS (Response to our comment EL663-1) is

As no agency has adopted a policy, developed a plan, or identified funding for a high-performance express bus service for the same markets that East Link light rail is designed to serve, the described service is not reasonable and foreseeable and has not been included in the Final EIS.

There has never been a side-by-side analysis of a light rail system with an enhanced bus system that builds on a type of funded service that Sound Transit already operates. This fallacious argument must end now.

The failure to analyze a competitive bus alternative to light rail in the East Link draft EIS is a breach of the National Environmental Policy Act (NEPA). The NEPA process Section 1502.14 requires that project proponents:

Rigorously explore and objectively evaluate all reasonable alternatives. Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. Include reasonable alternatives not within the jurisdiction of the lead agency.

FF15020-6

As documented in CETA's previous correspondence in the environmental process, there is ample reason to believe that a bus and HOV alternative – a form of TSM, or transportation system management—would perform better than the preferred light rail alternative. The existing I-90 HOV lanes in the Center Roadway could potentially be used to meet the East Link project's mobility goals. If the preferred light rail alternative is such a good one, then Sound Transit should welcome a true alternatives analysis.

Council on Environmental Quality's (CEQ) comments explaining NEPA indicate that Sound Transit is out of compliance in its FEIS for East Link

Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.

alternative. The East Link project will carry up to 50,000 daily riders of which 10,000 of them are considered to be new transit riders.

Response to comment ELFEIS020-7

Please refer to Table 7-1, Chapter 7 of the Final EIS, Response to Common Comment CC1a regarding why BRT was not evaluated in the East Link EIS. Please also refer to response to comment #ELFEIS020-2 above.

Response to comment ELFEIS020-8

In comments on the Draft EIS and SDEIS, CETA requested that an enhanced bus system be analyzed as part of the No Build alternative. As discussed in Section 2.3.1 of the Final EIS, the "No Build Alternative includes a variety of project, funding packages, and proposals in the central Puget Sound region. The projects primarily consist of funded or committed roadway and transit actions by state, regional and local agencies combined with other projects that that are likely to be implemented based on approval and committed funding." Since no plans have been developed for an enhanced bus system as suggested, it is not appropriate to include such a system in the No Build analysis. This is consistent with NEPA requirements.

As described in the response to comment ELFEIS020-2 above, while an enhanced bus or BRT alternatives to light rail technology was not included in the "no-build" alternative review in the FEIS, TSM and enhanced bus/BRT were evaluated during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]). For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). Please also refer to Table 7-1, Chapter 7 of the Final EIS, Response to Common Comment CC1a regarding why BRT was not evaluated in the East Link EIS. For the extensive reasons discussed in this

planning history of the project, these alternatives were not brought forward into the EIS process.

As part of the Interchange Justification Report (IJR) Process, the technical team of engineers and planners that evaluated the merits of the East Link IJR was provided the alternatives considered but rejected through Sound Transit's long-range planning process. This included a BRT/TSM alternative and is documented in Policy Point 2 (Alternatives) of the East Link IJR.

Honorable Ray LaHood, August 22, 2011, Page 5

No comments

- n/a -

The no-build alternative that has been analyzed by the light rail proponents in the East Link Final EIS includes only a weak bus transit configuration, an extrapolation of the present public transit system

The public transit aspects of the current no-build alternative are deliberately constrained to be non-competitive with the performance of Sound Transit's light rail. The present no-build alternative is not the strong all-bus alternative that transit-planning professionals at Sound Transit and King County Metro could create if they were ordered to do so. The lack of a strong bus alternative using the present I-90 bridge center roadway and the other segments of this corridor violates common sense in light of the challenges of constructing a new passenger railroad on a floating bridge and through residential neighborhoods.

IJR Requirement Even Stronger

FHWA Interstate Access Guidelines posted on the Internet are also clear that a physical change of this magnitude in the use of an Interstate highway requires analysis of a transportation system management (TSM) alternative at the level of detail of the preferred light rail alternative.

Interstate System Access Change Requests need to address the appropriate issues and provide the information necessary to allow the FHWA to make an informed decision considering the potential consequences of a change in access.

A TSM alternative would use enhanced bus service, other high occupancy vehicles, tolling, signal priority, and queue jumper lanes on the existing right of way and adjacent arterials without the considerable construction and disruption needed for installing light rail tracks.

The *FHWA Interstate Access Guidelines* call for eight policy points to be addressed. Point number two requires documenting that

The need being addressed by the request cannot be adequately satisfied by reasonable transportation system management (such as ramp metering, mass transit, and HOV facilities), geometric design, and alternative improvements to the Interstate without the proposed change(s) in access (23 CFR 625.2(a)).

The draft Interchange Justification Report for this proposed change to I-90 does not include an analysis of a transportation system management option. Instead, the East Link draft IJR from Sound Transit states clearly,

Analysis of alternatives and options is included in Draft Environmental Impact Statement (EIS), and this document supports only the preferred alternative identified by the Sound Transit Board in June 2010.

Of course the problem, Mr. Secretary, is that the Sound Transit Final EIS also fails to evaluate a TSM alternative, as we indicated earlier.

Y116320 #

Honorable Ray LaHood, August 22, 2011, Page 6

Apparent Conflict of Interest

The record is clear that justifying light rail was a predetermined outcome of the IJR process, not only from Sound Transit, but also WSDOT and FHWA. CETA holds an electronic copy of an existing project management plan from the East Link IJR government-consultant team that states:

This project Management Plan covers the work conducted for the Interstate 90 Interchange Justification Report (IJR) related to changes in access along I-90 necessitated by the extension of light rail from Seattle to the eastside via I-90.... The IJR Core Team will work collaboratively to develop an Interchange Justification Report for Sound Transit's East Link project that will provide the necessary analysis and documentation to support a Finding of Engineering & Operational Acceptability. This effort will enable the project to move forward with confidence into its next phase.... Consistent with the guidance provided in WSDOT Design Manual Section 1425 governing Interchange Justification Reports, the project will be facilitated through analysis to a finding of engineering and operational acceptability using a 'Core' team of technical staff from stakeholder agencies (in this case Sound Transit, WSDOT, FTA, & FHWA).

The letter from the FHWA Region 10 Administrator to the Washington Secretary of Transportation on June 22 (Attachment 2) finding the draft IJR acceptable is theatrical because the FHWA signature is from one of the IJR core team just described.

The private sector consultants on the IJR, CH2MHill, are the same consultants that provided analysis of traffic for the East Link Light Rail EIS, and in fact the analysis of the EIS and IJR overlap.

This cooperation between the project advocates at Sound Transit and the stewards of Washington State's main east-west highway at WSDOT and FHWA showed a significant conflict of interest in reversing earlier contradictory results. IJR modeling results claim improved general-purpose traffic speeds with light rail compared to the No Build alternative. This claim is in conflict with the 2006 WSDOT I-90 Center Roadway report. That study indicated a 13% increase in general-purpose travel times with the "exclusive" (light rail) use of the center roadway. Using the same model but with different assumptions, Sound Transit claims the opposite: with light rail, general-purpose travel times decreased by 15%.

The same Sound Transit undocumented revisions of the 2006 WSDOT model has also led to the improbable conclusion that trucks on I-90 will find traffic conditions improved compared with light rail compared to no build. But even if true, this conclusion is not compared to the results on trucking for a transit alternative that does not require removing 26% of the highway right-of-way.

Conclusion

Federal as well as regional policy goals call for actually improving transportation system performance, not just building expensive rail projects. A careful review of all the

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Response to comment ELFEIS020-9

WSDOT's Design Manual Chapter 550 includes the procedures and organization of the Interchange Justification Report (IJR) team. The East Link Project followed these steps in conducting the IJR process.

As part of the IJR Policy Points, it is considered appropriate to have a similar analysis conducted for the project's EIS and IJR. Both of these documents rely on a similar analysis and methodology, therefore if the EIS and IJR are being conducted within a similar timeframe they are usually based on the same set of reasonable and acceptable assumptions.

Similar to responses to earlier comments, the 2006 WSDOT I-90 Center Roadway Study and the 2011 East Link Final EIS were conducted with appropriate transportation methods. The two studies use different modeling approaches and methodologies. These are documented in Appendix H of Appendix H1. This Appendix provides a description and overview of the recent I-90 transportation studies, including the differences in modeling parameters and assumptions used in the 2006 Center Roadway Study. The Center Roadway Study confirmed the utility of the center roadway as an HCT facility with no center roadway access for vehicles.

Response to comment ELFEIS020-10

See response to Comment #ELFEIS020-2 above. The project has complied with NEPA and other appropriate regulations.

Honorable Ray LaHood, August 22, 2011, Page 7

prior studies (including their erroneous assumptions and omissions) leads to the inescapable conclusion that conversion of the center roadway of I-90 to light rail is a very poor choice.

The system capacity for all modes on I-90 lost to light rail would be far more effectively used by other transit modes, in particular, high quality, higher frequency bus service with TSM improvements in other parts of the corridor. A bus/TSM alternative would have the additional advantages of much lower risk, lower cost, and swifter implementation.

If conformity to USDOT policy and achievement of regional goals are compatible objectives of East Link, there is no justification for approving light rail while failing to perform the required comparison with a credible alternative.

In summary, compliance with Federal regulations will result in a superior outcome.

Given the serious problems Sound Transit has had with prior planning work, why isn't USDOT insisting on compliance with planning requirements for this phase of the program?

Every one of the characteristics of East Link light rail that stem from criticism of the existing bus system could be met sufficiently, more cost-effectively, and sooner than the proposed timeframe for East Link light rail construction by an upgraded, well-designed express bus system operating on actively-managed HOV lanes on arterials and expressways, with road user fees as needed. Such an alternative should be thoroughly covered in both East Link Records of Decision, the one from FHWA, and the one from FTA.

The Public is expecting their government to do the right thing, to follow its own rules. Ignoring established process and allowing unjustified outcomes fuels public dissent and discontent.

We implore you and your agency to refrain from being boosters of local projects that cost so much and do so little for public transit. Please order FHWA and FTA to include an independent, strong bus/TSM alternative in the East Link ROD. It should be well described, transparent and a truly objective quantitative analysis.

The Public asks for this requirement and deserves no less.

Respectfully yours,

John Niles *Maggie Fima*

John Niles
CETA Technical Co-Chairman

Maggie Fima
CETA Co-Chair

No comments

- n/a -

11815022-10

Honorable Ray LaHood, August 22, 2011, Page 8

No comments

- n/a -

Attachments:

Graphics depicting project
Letter from FHWA Region X to WSDOT tentatively accepting the IJR

Cc:

Hon. Patty Murray, U.S. Senate	Hon. Maria Cantwell, U.S. Senate
Hon. Jim McDermott, U.S. House of Representatives	Hon. Dave Reichert, U.S. House of Representatives
Hon. Curtis King, Washington State Senate	Hon. Don Davidson, City of Bellevue
Hon. Don Gerend, City of Sammamish	Hon. Steve Buri, City of Newcastle
Federal Transit Administrator	Federal Highways Administrator
FTA Region X Administrator	FHWA Region X Administrator
Washington State Secretary of Transportation	Sound Transit Chief Executive Officer

Honorable Ray LaHood, August 22, 2011, Attachment 1

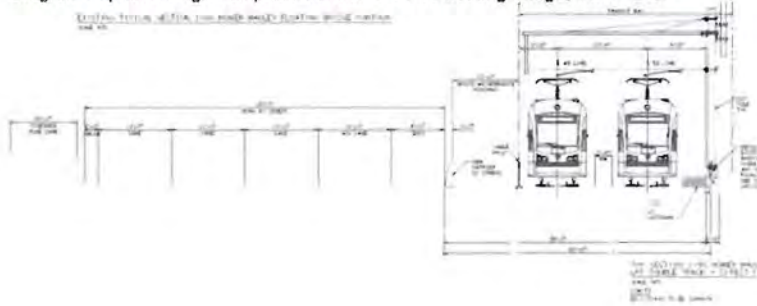
Map of I-90 corridor location for light rail from the East Link Final EIS



WSDOT photograph of I-90 floating bridges from Seattle perspective looking toward Bellevue



Diagram of planned light rail placement on the I-90 floating bridge, from FEIS:



No comments

- n/a -

Honorable Ray LaHood, August 22, 2011, Attachment 1

No comments

- n/a -

Sound Transit photo simulation of light rail operating on the I-90 floating bridge



No comments

- n/a -

Honorable Rey LaHood, August 22, 2011. Attachment 2



U.S. Department of Transportation
Federal Highway Administration

Washington Division

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711 South Capitol Way
Olympia, Washington 98501-1284
(360) 753-9480
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June 22, 2011

EDE-WA/560/WA 624

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

Attention: Barb De Ste Croix

**Sound Transit – I-90 East Link Project
Final Interchange Justification Report**

Dear Ms. Hammond,

This letter is in response to your June 20, 2011, request for a finding of engineering and operational acceptability for the Sound Transit I-90 East Link Interchange Justification Report (IJR). The project, in part, incorporates interchange modifications and closures within the I-90 center roadway to allow Sound Transit's East Link light rail project to use the I-90 reversible express lanes from MP 1.99 to MP 9.44. In addition, part of this project, incorporates comprehensive changes to I-90, including HOV access and lane modifications resulting from the I-90 Two-Way Transit and HOV Operations Project that form the ultimate configuration of I-90 between the cities of Seattle and Bellevue. We have compared the final IJR to previous drafts and find that it satisfies the requirements of the FHWA Interstate Added Access Policy.

Based on an engineering and operations review, the access request is considered acceptable. However, the general purpose left-hand on ramp connecting Island Crest Way to the WB I-90 HOV lane is a safety issue. The AASHTO Greenbook, *A Policy on Geometric Design of Highways and Streets*, discourages the use of left-hand on and off ramps. This access point should be monitored and closed to single occupant vehicles use if significant collision frequency and severity begin to occur. In addition, ramp metering must continue at this location.

If there are no major changes in the design of the proposal, final approval may be given upon the completion of the environmental process. Please submit a request for final IJR approval at the completion of the NEPA process.

Sincerely,

DANIEL M. MATIJS, P.E.
Division Administrator

By: Donald A. Petersen
Division Safety/Design Engineer

Enclosure

cc: Ed Barry, MS 113-85, LeRoy Paterson, MS 47536

Letter ELFEIS021

Alfred Cecil

Page 1

From: Alfred Cecil [mailto:awcecil@yahoo.com]
Sent: Monday, August 15, 2011 11:37 AM
To: Witmer, John (FTA)
Subject: Sound Transit FEIS comments

From: Alfred Cecil [mailto:awcecil@yahoo.com]
To:
Sent:
Subject:

Summary of my comments on the FEIS and related issues.

ISSUES REQUIRING RESOLUTION BEFORE FTA APPROVAL:

- ELFEIS021-1 1) Explanation why no alternative was considered for segment A
 - ELFEIS021-2 2) Certification that mills can be placed across floating bridge expansion joints by recognized independent engineering consulting firm.
 - ELFEIS021-2 3) Full disclosure of all costs on the chosen B segment (B2M) including noise mitigation, guideway support through the wetland portion east of Bellevue and 112th SE and ground water control to be verified by an independent auditing agency.
 - ELFEIS021-4 4) Certification that Winters house structural integrity will not be compromised from vibration due to close proximity (30') to railbed.
 - ELFEIS021-4 5) Certification that traffic congestion can be mitigated during construction by closure of one lane of Bellevue Way with traffic flow analysis done using a recognized prediction model such as the BKR model.
 - ELFEIS021-6 6) Description of transit parking alternative due to closure of the South Bellevue Park and Ride lot.
 - ELFEIS021-6 7) Identification of property to be exchanged to compensate for the taking of parkland East of Bellevue Way.
 - ELFEIS021-7 8) Certification that Sound Transit has the financial resources to complete entire phase 2 project (segments A thru D). If not and the line has to be terminated prematurely does the truncated line have sufficient ridership to be economically viable. A plan should be presented explaining how the uncompleted portion will be funded and an estimation of the delay in completion.
 - ELFEIS021-8 9) Noise and vibration mitigation:
 - a) A plan is needed to properly mitigate the residences affected consistent the city of Bellevue's noise ordinance.
 - b) A more effective and permanent solution to wheel squeal other the rail lubrication such as train drive mechanism modification needs to be identified and implemented.
- Respectively submitted
Alfred Cecil, Bellevue Washington

Response to comment ELFEIS021-1

The purpose of the East Link project is to expand Sound Transit's Link Light Rail system from Seattle to Mercer Island, Bellevue, and Redmond via I-90 and to provide a reliable and efficient alternative for moving people throughout the region. Alternatives to light rail technology, including TSM and enhanced bus/BRT, were evaluated and eliminated from further review during the Sound Transit Long-Range Planning and ST2 development process. The history of this planning process is documented in the report titled "East Corridor High Capacity Transit Mode Analysis History" (August 2006) and discussed in Section 1.3 of the Final EIS [Purpose and Need]. For example, as described on page 21 of the Mode Analysis History report, the 1993 the Regional Transit System Plan Final EIS evaluated eastside alternatives that included converting the I-90 center roadway to a two-way busway (the TSM alternative). During the scoping process for the East Link EIS in 2006, the Mode Analysis History report was available for review and public comment was invited on the draft Purpose and Need Statement for the East Link EIS. FTA considered the mode analysis planning history and comments received during the scoping process before finalizing the East Link Purpose and Need. FTA, as lead federal agency, determined that planning level decisions regarding mode (LRT) and corridor (I-90) would be incorporated into the purpose and need, consistent with federal rules and guidance for linking the transportation planning and NEPA processes (see 23 CFR Sections 450.212 and 450.318 and Appendix A to Part 450 – Linking the Transportation Planning and NEPA Processes, Final Rule (Federal Register: February 14, 2007, Vol. 72, Number 30) and guidance found at: <http://environment.fhwa.dot.gov/integ/related.asp>

The technical issues associated with the I-90 floating bridge are discussed on pages 2-22 and 2-23 of the Final EIS, including the finding by the independent review team commissioned by the Washington State Legislature Joint Transportation Committee that "all issues identified as

potentially affecting feasibility can be addressed through proper design measures.”

Response to comment ELFEIS021-2

Your comment has been noted. Costs to implement mitigation measures were included as part of the cost estimates prepared for the Final EIS as described in Section 2.6.2.

Response to comment ELFEIS021-3

Please see page 6-20 of Appendix H2 to the Final EIS for a detailed discussion of vibration impacts at the Winters House during operation of *Preferred Alternative B2M*. The operational vibration levels at this location are projected to be 76 VdB, which would be below the FTA detailed impact criteria of 78 VdB for human annoyance and well below the 94 VdB criteria for structural damage.

Response to comment ELFEIS021-4

Please see Section 3.6.4.2 of the Final EIS for a discussion of Roadway and Parking impacts during construction. The transportation analysis methodology and assumptions, specifically the modeling approach for this project, is described in detail in Appendix A of Appendix H1 of the Final EIS. In summary, as the East Link project is a regional project spanning many jurisdictions, the adopted regional PSRC model (with detailed transportation network refinements from the Bellevue-Kirkland-Redmond [BKR] model) was utilized for the travel demand forecasting. Construction period impacts, that were determined using this model, are discussed in Section 3.6.4 of the Final EIS. Mitigation measures for the Preferred Alternative are also in Appendix I of the Final EIS and in Attachment C to this Record of Decision.

Response to comment ELFEIS021-5

Mitigation details for temporary closure of the South Bellevue Park and Ride have not yet been identified, but will be during the final design process. The Section 6(f) analysis in the Final EIS considers replacement property of lands that have been funded for acquisition or improvement through Land Water Conservation Fund grants, such as the Mercer Slough Nature Park. Please see Section D.8 of Appendix D to the Final EIS for a discussion of Section 6(f) impacts.

Response to comment ELFEIS021-6

As described in Section 4.17 of the Final EIS, mitigation for parkland impacts would be through financial compensation or replacement property. Mitigation commitments will be implemented during final design, construction, and/or operation of the East Link project.

Response to comment ELFEIS021-7

Funding resources for the East Link Project (Seattle to Overlake Transit Center – Segments A through D) is described in Section 2.6.1 of the Final EIS. Depending on funding resources, the extensions beyond Overlake Transit Center may have to be incorporated into future funding packages which would require a public vote.

Response to comment ELFEIS021-8

Section 4.7 and Appendix H2 of the Final EIS address wheel squeal and provide the noise and vibration analysis and appropriate mitigation. The methodology for impact analysis is from the Transit Noise and Vibration Impact Assessment Manual (Federal Transit Administration [FTA], revised May 2006). These criteria are used for all federally funded high-capacity transit projects. Construction noise, parking facilities and maintenance facilities would be required to meet the noise regulations of local jurisdictions.

From: Alfred Cecil [mailto:awecel2@yahoo.com]
Sent: Thursday, August 25, 2011 10:35 AM
To: Wilmer, John (FTA)
Cc: alan@schwabe.com; Bill, Sr.; Bill, Sr.; Brooks Beaupain; gatlfe@bellsouth.com; Joe Rosmann; Liz Baxter; Renay Bennett; Stacie LeBlanc; Wendy Jones
Subject: Noise Mitigation Commentary

ADDITIONAL COMMENTARY ON SOUND TRANSIT'S EASTLINK FIES

Analysis of Sound Transit's assessment of noise mitigation required for the B2M/C11A and B7 alternative as presented in appendix H shows the following comparison between the two alternatives using FTA criteria:

remaining to mitigated	Total Units	Units requiring mitigation	Units currently mitigated	Units to be
B2M/C11A	159	81	0	81
B7	201	172	156*	16

It is also noted that B7 is unnecessarily penalized by the placement of a crossover near the Emerald Ridge Condominiums. This is not appropriate and can be located elsewhere to minimize impacts to the residential units along the corridor.

* The condos and apartments adjacent to the (BNSF) railway are understood to have been mitigated because of proximity to 1405.

Respectfully submitted
 Alfred Cecil

Response to comment ELFEIS021-9

The location of the crossover on Alternative B7 was evaluated during conceptual design and it was determined that the proposed location was the most appropriate because of topographical constraints and design criteria. The locations of all cross-overs, including this one, have been reviewed by the designers to minimize potential noise exposure at residential properties, while accommodating the operational needs of the system.

Letter ELFEIS022

Geoffrey Bidwell

Page 1

John Witmer
FTA Region 10
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Date August 15 2011

Dear Mr. Witmer,

My name is Geoffrey Bidwell I am a City of Bellevue resident living for the last 34 years at 1600 109th Ave SE, Bellevue, WA 98004.

In reading the FEIS on Sound Transits East Link light rail project several important issues appear to have been overlooked or improperly addressed.

5022-1 Firstly in **Section 4.9 Water Resources** Table 4.9-2 (page 4.9-11) alternative B7 fails to acknowledge the fact that this alternative (with a new A2 station located on firm land) will surplus the existing 11.5 acre Park and Ride lot on Bellevue Way SE that can now be re-vegetated and returned to enhance the Mercer Slough and reduce the impervious area and not increase as inaccurately shown in Table 4.9-2.

5022-2 Further on page 4.9-14 Segment B states that the "...B2M is located outside of the Mercer Slough flood plain and therefore would result in no adverse impact...". This is far from the truth where storm water enters the slough from the surrounding steep topography of the surrounding land. In fact the slough waterway is clearly visible from the 'Y' at Bellevue Way and 112th Ave SE where the proposed retained cut route transitions to the at grade route.

5022-3 Continuing on page 4.9-17 under title Groundwater the statement is made that "... Because of the highly linear nature of the project, this would occur across many miles of the project ... groundwater impacts are not anticipated". Clearly this statement does not reflect the steep changing topography along the west side of Bellevue Way and the hill on the west side of the 'Y' along 112th Ave SE. The section further states that (for the retained cut) mitigation is discussed in Section 4.9.4.2 below. There is no Section 4.9.4.2. On page 4.9-20 under 4.9.4 Potential Mitigation Measures ,the following statement is made "... storm water runoff would be explored ... work with local jurisdictions to identify opportunities to incorporate low-impact development features ...green roofs and other measures to retain rainfall on site and minimize project runoff..." In no way can this be considered an effective and appropriate mitigation for a project of this enormity.

5022-4 In the same section (page 4.9-20) it states for the B2M "... prevent groundwater from entering the retained cut but allow groundwater to flow down gradient beneath the cut. This would maintain the existing groundwater flow ..."

(continued)

Response to comment ELFEIS022-1

The commenter is referring to the B7R, not Alternative B7, which is a modification of Alternative B7 and *Preferred Alternative C9T* that was proposed and analyzed by City of Bellevue. The City's B7R proposal and study is summarized in Chapter 7 of the Final EIS. It is not an alternative analyzed in Section 4.9. The B7R study did not suggest that the South Bellevue Park and Ride lot could be converted to park and wetland for the Mercer Slough area. Furthermore, preservation of existing wetlands is a preferred method of mitigation over creation of new wetlands, which is what would be required in this situation.

Response to comment ELFEIS022-2

As discussed on pages 4.9-13 and 4.9-14 of the Final EIS, a floodplain is defined as the area adjacent to a stream or river that is inundated during the 100-year flood event. As discussed on page 4.9-4 of the Final EIS, 100-year floodplains are mapped by FEMA. Exhibit 4.9-2 shows that Alternative B2M is not within the 100-year floodplain.

Response to comment ELFEIS022-3

The quoted text on page 4.9-17 of the Final EIS describes the overall project impact related to groundwater recharge. Increases in impervious surface areas, would reduce groundwater recharge. However, this effect would be spread out over many miles of the entire alignment and therefore would not likely substantially create a decline in the groundwater level. This conclusion remains true regardless of the slope of the land around Mercer Slough. The commenter is correct in stating that there is not a Section 4.9.4.2 in the Final EIS. This reference on page 4.9-17 of the Final EIS is a typo which should be written as "Section 4.9.4". Mitigation is discussed in Section 4.9.4 as mentioned by the commenter. As described in Section 4.9.4, regulatory requirements for addressing water resource impacts would be part of the project design. Where adverse impacts would occur after the application of minimization measures, further mitigation would be necessary and is described in the remainder of Section 4.9.4.

8022-4 The cut with its foundation support is some 30 feet deep and 20 feet wide and no analysis has been shown how this ground water will flow at this depth and at what volume.

8022-5 There is no explanation of how storm water entering the retained cut (from the entrance and exit) can be managed to ensure safe and reliable train operation. Presumably pumps (with redundancy) will be required and if so where and how will such pumps be located and operated?

8022-6 Secondly in Section 4.8 Ecosystem Resources, Impacts during Operation page 4.8-15 states that "... to prevent trees and branches from interfering with ... light rail ... high quality forest-dominated ... habitat under and within 20 feet of each side of the elevated guideways would be converted to short-tree habitat..." There is no recognition of the 1,100 trees along the B2M alignment that would be removed and of the impact to the ecosystem which will be clearly evident and to which the FEIS fails to acknowledge.

8022-7 Further information on the same page states "... Operational noise impacts on wildlife would likely be minor... The link rail trains produce 79 dBA at 50 feet at 40 mph which is similar to noise produced by most buses and medium trucks ... Noise levels from East Link operations would not likely adversely impact wildlife ..." This analysis completely ignores the operation of the light rail system clear into the early morning that would be most disturbing to wildlife (and humans) and totally ignores the curved alignments and accelerations from the Bellevue Way station that will create high frequency squeal from the trains drive wheels. The noise issue in the light rail operation in Tukwila has still not been brought into compliance with Federal standards even after Sound Transit assured the Federal government that it would so comply.

8022-8 Thirdly in Section 4.12 Hazardous Materials, Section B, page 4.12-6 site 352 and site N198 fails to mention additional contaminates including chromium, lead, arsenic and selenium and that these contaminates have been a major concern with the Department of Ecology for many years (see attachment).

8022-9 In summary the Federal government, City government and the citizens worked feverishly and financially to secure the Mercer Slough and create a unique Nature Park. Sound Transit should not be allowed to permanently damage the long term investment in Bellevues environment pursuant to Federal Regulations Section 4(f) and that an alternative alignment B7R is cheaper and significantly less harmful to the environment . The undersign respectfully request that you fully investigate all issues before the FTA approves the Record of Decision (ROD).

Sincerely
Geoffrey Bidwell

Response to comment ELFEIS022-4

The design of the retained cut is described on page 4.9-20 in Section 4.9.4. This design was studied and would allow for groundwater to flow down gradient beneath the cut. The design will be refined during final design, the next phase of project development.

Response to comment ELFEIS022-5

A gravity stormwater drain will be used in the retained cut in front of the Winters House. Details will be determined during final design and pumps are not expected to be required.

Response to comment ELFEIS022-6

High-value wildlife habitat that would be removed is an impact common to all alternatives and is discussed on page 4.8-15. Specific acreage amounts of high-value wildlife habitat, including for Preferred Alternative B2M, are shown in Table 4.8.5, and discussed on page 4.8-19.

Response to comment ELFEIS022-7

As described on page 4.8-15 of the Final EIS, operational noise impacts on wildlife would likely be relatively minor compared with existing traffic noise in most segments of the proposed corridors. Wheel squeal impacts were considered in the noise analysis, as discussed in Section 4.7 and Appendix H2 of the Final EIS. Please see response to comment # ELFEIS004-6 regarding Central Link operations and noise impacts.

Response to comment ELFEIS022-8

As described in Section 4.12.2 of the Final EIS, Sound Transit collected information from multiple data sources including government environmental database searches and review of the agency records that are maintained by the U.S. Environmental Protection Agency and the Washington State Department of Ecology. These databases track sites with potential or confirmed hazardous material releases to the environment and to monitor facilities that manage hazardous materials as part of their operation. As described in this Record of Decision, where responsible, Sound Transit will remediate contaminated soil and

groundwater, including that which would be previously unknown and found during construction.

Response to comment ELFEIS022-9

Your comment has been noted. See response to comment ELFEIS022-1 above with regard to the City of Bellevue's proposed B7R. As described in Chapter 7 of the Final EIS, the City's cost estimates indicate B7R would be approximately 10 to 14 million dollars more than the B7 to C9T alternative. Appendix D of the Final EIS provides a discussion of the East Link project's compliance with Section 4(f).

No comments

- n/a -

Polluted fill halts road project

Slough is at risk

BELLEVUE

By a Staff Writer

Seattle Times Herald Bureau

The city's plan to extend a new portion of Bellevue Eighth Street that's coming over the muddy soils of Muck Slough is up in the air after polluted fill hit and muck was found beneath the roadbed.

A few environmentalists had pushed for the leaving, leaving a reconstruction, rather than filling, and require more environmental care for the slough, which is a small area prone to sink and slide and erode.

The \$1.8 million project's goal was to repair the major road before making plans to build over it nearby. The road will be made more stable as the bridge piers are replaced between 14th and 16th streets during the upcoming Avenue Denny's project, which will keep an and extend several interchanges and ramps.

the contract to the city's own. Builders of the project had apparently thought environmentalists had done "basically a shoving job" of job, said David Berg, of the city Transportation Department.

The city had planned to extend the road and clear drainage canals between 11th and 14th streets. Subsequent testing, said Berg.

Leaving with dumping and spill of muck, or a combined issue. A number of construction permit questions, including the one Bellevue Art Museum and expansion of Bellevue House, require changes from previous business on the site.

The tracing of pollutants found, and proposed by longtime Bellevue environmentalist Cliff Barlow, who complained that the city didn't test the soil before planning to build it.

A subsequent consultant's report showed "a fairly list of muck" beneath the pavement. Berg and Dett samples showed that

"If we're going to do anything with that road, we're going to have to address that (pollution) before we build it."

How Bad?

City Transportation Department

and heavy oil, while water samples report on pollutants that threaten soil, ground and sediments. Concentrations were high enough that the state would require best cleanup of the road area, which

The city and the contractor are now testing again, and plan to meet with the state Department of Ecology soon.

Simply continuing to pile the road with muck would not improve covering the pollution, it may be a short-term solution, Berg said. But, he added, "If we're going to do anything with that

road, we're going to have to address that issue sometime."

A major expansion could delay the project at least a year and could be quite costly, he estimated. It's unclear how much that would have to be recovered.

"I have been told that they will be pretty straight up. It's not having back and forth," Berg said of the pollution. "What will happen is when you get it built and start moving dirt."

Bellevue also reportedly wants Bellevue to not financing through its residents, especially since city officials know the area was polluted but would not have tested it had it not threatened to impact the site.

Customer Berg. The Ecology Department records on the area don't show it, so it's not sure how we would have known it.

City's history's photo manager, spokeswoman, said, "We would welcome any questions." customers@seattletimes.com

Letter ELFEIS023

Renay Bennett

Page 1

From: [Renay Bennett](#)
To: [Seth T. Prosser](#)
Cc: [William James \(FPA\)](#), [Lindsay Ann \(OTM\)](#), [Lindsay Anne \(HWH\)](#), [Robert Paul \(FPA\)](#), [James David \(HWH\)](#), [Vandana Sub \(FPA\)](#)
Subject: [Fw: Response 4-17 Appendix D Comments - 22815](#)
Date: Monday, August 19, 2013 8:56:30 PM

Comment:

ELFEIS023-1

The proposed tunnel with a rooftop garden lid along the front facade actually destroys the NRHP designation historic value of Winters House with its mature landscape setting. Proposed trees on the lid to replace lost trees will never achieve the same height due to rooftop garden soil depth limitations over tunnel. However, the primary way to view the home in a vehicle at 40MPH from Bellevue Way upon approach from north or south. Therefore, the mitigation request is for a full tunnel/lid for a longer distance than S-T proposes, north & south of the home. The lid dimension should be based on the alignment of Winter's original parcel north and south property limits, rather a lid distance based on the home's front facade dimension. Since a longer distance lid would not be feasible for grade approach to elevated sections using B2M alignment, the only feasible alternative is B7R.

Response to comment ELFEIS023-1

The NRHP designation was based on the 50-foot boundary around the house. However, as described on page 4.16-13 of the Final EIS, the 50-foot boundary around the house has been reduced by the widening of Bellevue Way SE, and the landscaping within this area no longer retains integrity because of several changes to the area over time. Furthermore, the setting of the residence as it relates to Bellevue Way SE is not a character-defining feature, given past widening and improvements to Bellevue Way SE and multiple changes to the landscaping components. The length of the lid is designed to coincide with the 50-foot boundary, in explicit recognition of the NRHP designated area. Mitigation for impacts to the Winters House and the surrounding area is described in Section 4.16.4 of the Final EIS, Appendix H4 (Historic and Archaeological Resources Technical Report), and in the Memorandum of Agreement included in this Record of Decision.

Comments on Chapter 4-17 and Appendix D Section 4(f)

Mercer Slough & Surrey Downs Parkland, Recreation Use Impacts

Comments on Section 6(f) 3 Review and SEPA Review:

1. The project sponsor is required to reach a finding of *de minimus* impact to park land acquired with federal funds using Land & Water Conservation Funds, including Section 106 determination by SHPO. (Section D.1, pages D-1 & D-2).
2. The applicable federal regulations make a distinction among **direct use, temporary use and constructive use** for land loss (Section D.3.1, D.3.2 & D.3.3) as well as recreation use and historic resources lands. However, the SEPA & NEPA thresholds for assessment of "impacts" to park land, recreation use or historic features are probable adverse significant impacts, in addition to meeting Section 4(f) and 6(f) 3 review requirements for park land at Mercer Slough:
3. Along Bellevue Way, the Segment B project impacts for Alternative B2M reported by the project sponsor on Table D-1 are as follows:
 - a. Park Land – temporary use loss - 3.2 acres disturbed (of 320 acres in Mercer Slough)
 - b. Park Land – permanent loss - 3.0 acres converted (of 320 acres in Mercer Slough)
 - c. Historical Impacts for Winters House (as mapped at Location 5, on Figure D-1) include loss of parking, change of access, relocation of the Eastside Heritage Center temporarily, including sound, noise and vibrations during 2 to 5 years of construction, plus ongoing operational noise for each time a train goes into and out a planned tunnel.
4. Along 112nd Ave SE at Surrey Downs Park, the Segment B project impacts for Alternative B2M reported by the project sponsor on Table D-1 are as follows:
 - a. Park Land – temporary use loss – 0.6 acres disturbed (of 11.4 acres)
 - b. Park Land – permanent loss – 0.5 acres converted (of 11.4 acres)
5. The 2 impacts reported in 3. & 4. above in the SDEIS are probable adverse significant under SEPA. FTA properly (Section D.4.1 last paragraph at page D-5) did not declare the impacts to parks, recreation and historic resources located within City of Bellevue *de minimus*. The full extent of impacts were not fully disclosed or analyzed in the SDEIS and Appendix D. The missing topics are full details about severity of impacts, plus ignoring options to avoid, minimize, reduce or mitigate impacts of the B2M alignment proposal.
6. For the disclosed impacts in the SDEIS, the proposed mitigation of B2M is inadequate. The specific comments that support this conclusion follow in numbered comments 7 thru 13, based on information primarily on pages D-21 to D-25 in Appendix D.
7. At Mercer Slough, the loss of 3.0 acres of park land does not take into account ecological and aesthetic significance of tree removal. The 3,200 linear feet of impact area is among the last

Response to comment ELFEIS023-2

Please see the Final EIS, Sections 4.16 and Appendix D for a discussion of impacts related to Parks and Section 4(f) and 6(f) respectively. The analysis in the Final EIS has been updated since publication of the SDEIS, which is referred to in this comment. As discussed in Section D.6.1.3 of Appendix D in the Final EIS, as there is no prudent and feasible alternative to avoid the Mercer Slough Nature Park, and pursuant to 23 CFR 774.3(c), a Least Harm analysis is provided in Section D.7. The type of Section 4(f) use or *de minimus* finding for each 4(f) protected resource is summarized for each alternative in Table D.1. Section 4(f) in Appendix D provides the severity of impacts, the avoidance and minimization measures as well as the mitigation measures proposed. The U.S. Department of the Interior reviewed and concurred with FTA's 4(f) and 6(f) analyses and determinations.

Response to comment ELFEIS023-3

Please note that the SDEIS analysis has been updated in the Final EIS. Please refer to the Final EIS for a discussion of project impacts. Ecological impacts from tree removal are included in the discussion of high-value habitat impacts in Section 4.8.3 of the Final EIS. A detailed description of the methodology used and the importance of high value habitat is provided in Chapter 2 of Appendix H3, Ecosystems Technical Report. Sound Transit assessed impacts on wildlife using several approaches, including quantitative and qualitative methods, and measured direct habitat loss based on the extent of impacts to various plant communities. The qualitative assessment included review of the area's role as a wildlife movement corridor. Aesthetic impacts related to Alternative B2M are described in Section 4.5.3 of the Final EIS and incorporated by reference in the Section 4(f) and 6(f) in Appendix D. Mitigation is developed to replace the value of the habitat and vegetation that is impacted.

Please see Appendix D, section D.8.2, for a discussion of Section 6(f) impacts and planned conversion of the lands to meet NPS requirements.

remaining large stands of tall cottonwood trees, plus other desirable native tree and understory species. Large number of trees will be removed along the east of Mercer Slough open space.

ELFEIS023-3

8. At Mercer Slough, the missing information in the SDEIS report is about the overall assessment of "value" of the trees in the broadest sense (replacement cost, storm water benefit, oxygen production, carbon sequestration, etc.). Also, resulting widened horizontal distance of roadway with rail impacts east-west wildlife migration between Mercer Slough and Lake Washington. The SDEIS does disclose 3,200 LF for 30 to 50 feet width (page D-21), yet does not elaborate on existing wildlife habitat function, exact size and species of trees to be lost, or the probable blow-down trees on remaining Mercer Slough Park property left exposed to south west to north westerly winds causing most tree damage after approximately 1,000 to 1,200 trees are removed from the acquired land along the 3,200 LF wide corridor.

9. At Mercer Slough, National Parks Service (NPS) is required to deny the L&WCF conversion request for 3.0 acres on the basis of such impacts left unreported and unmitigated. Also, the SEPA Responsible Official after properly making a finding of probable adverse significant impacts also has a duty to oversee proper delineation of mitigation within the SDEIS. While the preparation of an SDEIS report meets the recognition of impacts, the SDEIS document falls short in reporting all of the impacts associated with the tree loss, recreation loss, scenic value loss, and wildlife habitat loss of this particular 3.0 acres of wooded habitat areas along the east side of Bellevue Way & 112nd Ave SE rights of way.

ELFEIS023-4

10. At the Winter House site, City of Bellevue restored the historic property and stabilized the structure for public use, including Bellevue Way right of way access and frontage improvements in the mid to late 1990's at the cost of over \$500,000. The Bellevue Way frontage improvements will be largely fully destroyed by the B2M proposal. However, the existing site features have not attained the projected useful life cut short by the Sound Transit proposal. The affected improvements extend north of Winter's House site to north of South Bellevue Park & Ride lot. The recreation use features that will be destroyed include curbing, concrete sidewalks, mulch path, fences, railings, landscape plantings to displace invasive species, gabions to avoid slope grading into low lying portions of the site. The improvements that support recreation via integrated pedestrian access were approved under the Master Plan for Mercer Slough Park including Blueberry Farm, Caretaker residence, Winters House, environmental education center, land management, offsite wetland mitigation by WSDOT on City property, parking lots, trailheads, trailhead signs and traffic control signs. The SDEIS Chapter 4-17 and Appendix D do not fully recognize all impacts to all recreation uses shown in the adopted Mercer Slough Master Plan, or the losses in recreation access due to B2M selection.

ELFEIS023-5

11. At Surrey Downs, in the SDEIS Table D-1, City will prepare a new park master plan for Surrey Downs Park to reconcile the loss of 0.5 acres plus disturbed site features. However, the new parks master plan features are speculative for any positive outcomes and mitigation resulting. In fact, the City of Bellevue Parks agency has been considering proposals with possible adverse

The United States Department of Interior has concurred that the "least overall harm" analysis has been completed and concluded that there is no feasible or prudent alternative to the composite preferred alternative. Further, the Department determined that all reasonable measures to minimize or avoid harm (e.g., environmental commitments) to 4(f) properties have been identified.

Response to comment ELFEIS023-4

The Final EIS has incorporated and updated discussions since the issuance of the Supplement DEIS. Potential impacts and associated mitigation measures are identified for the Mercer Slough Nature Park and blueberry farm in Section 4.17.3.2 and in Appendix D of the Final EIS. The activities that occur at the Winters house have been updated in the Final EIS to reflect the City of Bellevue and the Eastside Heritage Society's input. The Final EIS discussion addresses changes to parking, trails, and access as well as mitigation measures that maintain access to the park resource.

Section 4.16 and Historic and Archaeological Resources Technical Report provides a discussion about the potential impacts to the Winters House and associated mitigation measures, which are addressed in the MOA included in this Record of Decision. Sound Transit would continue to coordinate with the City to prepare a landscaping plan that reflects the historic period of the resource during final design.

Response to comment ELFEIS023-5

Please refer to Chapter 5 of the Final EIS for a discussion of cumulative impacts, which acknowledges the implementation of the Surrey Downs Park Master Plan. In March 2009, the City of Bellevue adopted a master plan for redeveloping the park, including the portion currently occupied by the King County District Courthouse. Proposed improvements include new baseball fields, open space, a community garden, parking, and a recreational building. Pursuant to 4(f) regulations, adopted parks plan are considered as part of the environmental review process. A regional

- ELFEIS023-5
Impacts or cumulative impacts when considered with B2M. The City may possibly select the Surrey Downs Park site for more intensive uses by placement of a new regional aquatic center, including 50 meter indoor pool, promoted by a local group (SPLASH). If this project results at Surrey Downs site, then City and project sponsor are leaving out significant information cumulative impacts at Surrey Downs Park and also not disclosing foreseeable cumulative impacts within the Sound Transit SEPA / NEPA review process for B2M.
- ELFEIS023-6
12. At Surrey Downs Park site, the manager of Bellevue Club facility east of the park site prepared a variation of Alternative B2M that places the proposed rail line farther into and onto Surrey Downs site, to move the rail line away from the Bellevue Club site. The variation made fully available to City, Sound Transit and the community would require the loss of a greater number existing homes south and north of the park site along 112nd Ave SE right of way west side. The project sponsor has not disclosed that variation within the SDEIS. The potential loss of homes from the variation affects the existing site recreation demand within walking distance of the property.
- ELFEIS023-7
13. The Alternative B7R as defined by City of Bellevue with next refinements would avoid the impacts of 3.0 acres lost along west side of Mercer Slough Park previously acquired with L&WCF funds. Similarly, Alternative B7R avoids the impacts of losing 0.5 acres from Surrey Downs Park would be avoided. The SEPA Responsible Official and NPS staff have respective agency review obligations to avoid impacts, reduce, minimize or mitigate impacts.
- ELFEIS023-8
14. Alternative B2M does not reduce, minimize or mitigate the identified 2 park impacts of the proposal (3.0 acres lost, 0.5 acres lost). The selection of Alternative B7R, supported by the SDEIS document analysis, avoids the impacts at Surrey Downs and also reduces the impact to Mercer Slough for parkland permanent loss impacts (Table D-2 & D-3).
- ELFEIS023-9
15. Based on the comments in 1, thru 10, plus conclusions in 13 & 14 above, the NPS staff at Northwest Region Seattle office should deny the request for Section 6(f) 3 Conversion of 3.0 acres from Mercer Slough Park property. The project sponsor should prepare an environmental assessment based on the checklist with a property appraisal using a part taken method for valuation of recreation use, wildlife habitat, the foreseeable collateral damage to the remaining Mercer Slough site, tree values and benefits associated with the permanent loss of 3.0 acres. Also, NPS staff should require the project sponsor to select Alternative B7R.
- 16. Based on the comments above in 1, thru 14, the SDEIS document should be
 - a. **Rejected by SEPA Responsible Official and declared inadequate for B2M, providing specific directives to the project sponsor for a Revised SDEIS, or;**
 - b. **Direct project sponsor to consider selecting Alternative B7R, based on the current SDEIS report.**

aquatic center has not been identified in the City's master plan for Surrey Downs Park and therefore not evaluated as a potential impact.

Response to comment ELFEIS023-6

The Preferred Alternative C9T alignment along 112th Avenue SE is described in Chapter 2 of the Final EIS. The modifications suggested in this comment have not been proposed by FTA or the Sound Transit Board. Future changes in the alignment that result in potential impacts beyond the range of those previously disclosed in the EIS may be subject to additional environmental review.

Response to comment ELFEIS023-7

The City of Bellevue's proposed B7R would impact the Mercer Slough Park. As discussed in Section D.6.1.3 of Appendix D in the Final EIS, there is no prudent and feasible alternative to avoid the Mercer Slough Nature Park.

As described above, the United States Department of Interior has concluded that there is no feasible or prudent alternative to the preferred alternative and that all reasonable measures to minimize or avoid harm (e.g., environmental commitments) to 4(f) properties have been identified.

Response to comment ELFEIS023-8

Your comment has been noted. A 6(f) analysis is provided in Appendix D to the Final EIS. The U.S. Department of the Interior reviewed and concurred with FTA's 4(f) and 6(f) analyses and determinations. As noted in this Record of Decision, Sound Transit and FTA will provide replacement land for 6(f) impacts consistent with the National Park Service requirements, including any necessary environmental review. The analysis contained in the Supplemental Draft EIS was updated and/or incorporated into the Final EIS.

Letter ELFEIS024

Christine Reichgott

Page 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3142



August 10, 2011

Mr. John Witmer
Federal Transit Administration
Jackson Federal Building, Suite 3142
915 2nd Avenue
Seattle, Washington 98174

Re: East Link Light Rail Project Final Environmental Impact Statement
EPA Region 10 Project Number 06-052-FTA

Dear Mr. Witmer:

The U.S. Environmental Protection Agency (EPA) has reviewed the East Link Light Rail Project Final Environmental Impact Statement (FEIS). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. We appreciate this opportunity to participate.

Our January 7, 2011 comments on the Supplemental Draft Environmental Impact Statement (SDEIS) indicated that we have no substantial environmental concerns regarding the new alternatives and design modifications. We did, however, describe several issues that would benefit from more information in the FEIS.

EE14024-1 One of our key recommendations was to compare the ridership, land use effects, and transportation efficiencies of constructing light rail, commuter rail, and a trail in the BNSF Rights-of-Way vs. constructing light rail in the Bellevue Way corridor. We recognize that such an analysis may be challenging, yet believe that it could be useful—particularly from a long-term regional transit planning perspective. If such an analysis were conducted, it is reasonable to expect that any potential long-term ridership, land use benefits, and transportation efficiencies associated with a BNSF Railway corridor alternative would need to be substantial in order to offset relatively higher business and employee displacement, noise, wetland, habitat, and cost per rider impacts.

If you have questions or would like to discuss our comments, please contact Elaine Somers of my staff at (206) 553-2966 or by electronic mail at somers.elaine@epa.gov.

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Response to comment ELFEIS024-1

A comparison between Alternative B7 and alternatives along Bellevue Way SE, including *Preferred Alternative B2M*, is provided in Chapters 3, 4, and 5 of the Final EIS. As described in Section 2.3 of the Final EIS, alternative alignments that would use portions of the former BNSF railway corridor must be designed in recognition of the corridor's railbanked status. As such, the design of Alternative B7 would allow for light rail in combination with either freight or commuter rail or a trail. The former BNSF right-of-way is not wide enough to accommodate both light rail and commuter rail as well as a trail. However, if the project uses the Bellevue Way corridor, both commuter rail and a trail can be accommodated within the former BNSF railway corridor and all three transportation modes would be available in the greater Bellevue area.

Letter ELFEIS025

City of Bellevue

Page 1

No comments

- n/a -

**CITY OF
BELLEVUE**



P.O. Box 90012 • Bellevue, WA • 98009-9012

Via Facsimile and Regular Mail

August 29, 2011

Mr. Richard F. Krochalis, Regional Administrator
Federal Transit Administration
Jackson Federal Building
915 Second Avenue, Suite 3142
Seattle, WA 98174

Re: East Link Project – Section 4(f) Analysis
City of Bellevue Comments

Dear Mr. Krochalis:

The City of Bellevue submits these comments for FTA's consideration prior to making a final determination under Section 4(f) regarding the East Link Project's impacts on the activities, attributes, and features of protected parks and historic resources in Bellevue.

This correspondence is submitted in accordance with 23 CFR 774.5(a), which provides officials with jurisdiction over 4(f) resources an opportunity to comment on the overall evaluation prior to Agency approval. This letter also comments on the Least Overall Harm Analysis included in the FEIS, per the direction at §774.3(c)(1)(iv), which gives officials with jurisdiction over each Section 4(f) property an opportunity to provide views on that analysis. The City of Bellevue has jurisdiction over the Mercer Slough Nature Park, Surrey Downs Park, and McCormick Park, all of which would be affected by various alignments considered in the East Link environmental review process.

Since publication of the Final Environmental Impact Statement (FEIS), the Sound Transit Board has identified its locally-preferred alignment, including B2M-C9T-D2A in the city. This letter focuses primarily on that preferred alignment as it is described in the FEIS. Bellevue reserves the right to provide additional comments should the design of the alignment change in a way that affects parks, access to parks, or users' experience within parks.

As you are aware, Bellevue and Sound Transit are in continuing discussions regarding the manner in which Bellevue and Sound Transit can cooperate to fully mitigate the adverse impacts of Sound Transit's East Link project. As part of these discussions, the parties are negotiating the extent to which Bellevue may assume some portion of the financial burden of mitigating specific impacts of the East Link project that would ordinarily be borne by the project proponent—an unprecedented step for an agency with permitting jurisdiction.

Bellevue's ongoing negotiations with Sound Transit and its obligation to its citizens to participate fully in your 4(f) process create an obvious tension—Bellevue does not want to undermine the good faith negotiations now underway but must identify the significant shortcomings that it sees in the 4(f) process as it currently stands. Since our discussions with Sound Transit include mitigation of the impacts of the East Link project on park resources protected by Section 4(f), we are hopeful that a satisfactory resolution of Bellevue's concerns can be reached through these

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negotiations and hope to be able to inform you at the conclusion of our negotiations with Sound Transit that our concerns have been fully addressed.

As set forth in the FEIS, FTA has made an initial determination that the East Link Project's temporary and permanent use of and impacts to the parks or historic resources in Bellevue listed below are not *de minimis*:

- Winter's House (B-Segment park and historic resource)
- Mercer Slough (B-Segment park resource)
- Surrey Downs (C-Segment park resource)
- NE 2nd Pocket Parks (C-Segment park resource)
- McCormick Park (C-Segment park resource, not impacted by the preferred alternative)

ELFEIS025-1

Because of this initial determination, the FTA must complete the entire analysis required to comply with 4(f). Attachment A details Bellevue's specific concerns in this regard.

In sum, Bellevue is concerned about both the lack of specificity with respect to impacts identified in the FEIS, and about the level and lack of specificity of mitigation described. These specific concerns have been shared both in writing and in consultation with Sound Transit since the beginning of the EIS process. We anticipate continued discussions with Sound Transit, and as appropriate your agency, to come to a mutually satisfactory resolution of these concerns.

Summary of Concerns on Impacts to 4(f) Properties and Uses and Proposed Mitigation

The following summarizes the detailed comments in Attachment A, regarding the City's concerns:

Winter's House: The Winter's House is a protected historic resource as well as a protected park resource owned by the City and located within Mercer Slough Nature Park. In addition to comments previously provided through the EIS process, Bellevue incorporates by reference here comments submitted to FTA as part of the Section 106 consultation process that is still underway. While Bellevue will not restate those concerns in detail here, they are an important component of the 4(f) approval process.

ELFEIS025-2

In general, the FEIS added useful detail on Sound Transit's plans to protect and minimize impacts to the house during construction. Bellevue finds, however, that potential permanent use impacts remain and that they require more definitive mitigation plans than described in the FEIS to assure that such potential impacts will be adequately mitigated should they occur. Among these potential impacts are long-term noise (both ambient and ground-borne), vibration and structural damage resulting from vibration, and unanticipated structure settlement.

In addition, more detail on the temporary use of the resource is required to assure Bellevue and its programming partner, the Eastside Heritage Center, that the current activities at the house will continue unabated at a new and appropriate temporary location within the city limits and that those activities will be restored to the house when it is re-opened to the public following construction.

ELFEIS025-3

Finally, Bellevue is concerned that the design of preferred alternative B2M may not include all possible planning to minimize harm to the resource. As noted above, Bellevue and Sound

ELFEIS025-4

Response to comment ELFEIS025-1

FTA conducted a complete Section 4(f) analysis in compliance with Title 49, Section 303, Section 4(f), the Land and Water Conservation Fund (LWCF) Act of 1965, Section 6(f) and regulations applicable to such analyses set forth in 23 C.F.R. Part 774 (and accompanying policy directives). FTA has made a determination that the use and impacts to parks under the jurisdiction of the City of Bellevue are not *de minimis*. This determination is based on the extensive coordination between the City of Bellevue, Sound Transit, and FTA which did not result in agreement on *de minimis*. Because there was no agreement, FTA did not send a letter to the City indicating its intent to make a *de minimis* determination. For other jurisdictions where a *de minimis* determination was made (e.g. City of Redmond), there was agreement between FTA, Sound Transit and the jurisdiction prior to documenting the determination.

Regarding Bellevue's comment that it is concerned about the specificity of impacts identified and mitigation proposed, FTA appreciates the input that Bellevue has provided throughout this process. The review and presentation of both impacts and mitigation reflect due consideration of Bellevue's input and the Final EIS provides detailed responses to the City's comment letters on the DEIS and SDEIS. Please also refer to Table 7-1, Chapter 7 of the Final EIS, Response to Common Comment CCG3, which in summary states, "As stated in several places in the Final EIS, when a decision has been made to select the project to be built, the project would undergo additional engineering and design; mitigation measures would be refined during final design and the permitting process would be coordinated with local permitting authorities." An example of this is the mitigation requirement to replace 6(f) park land within Mercer Slough Nature Park that would be acquired for the project. This mitigation is performance based, meaning that it is based on the results that must be achieved, and the mitigation benefits that must be realized. While the location of the specific replacement property has not yet been

identified, FTA is able to commit to require mitigation that achieves the objectives of Section 6(f) and the implementing regulations. Sound Transit will coordinate with Bellevue to identify the replacement property. Further efforts to refine specific mitigation measures will continue to benefit from Bellevue's input which FTA welcomes. Responses to Attachment A of the City's letter follow in response to comments # ELFEIS025-20 through ELFEIS025-34.

Response to comment ELFEIS025-2

The potential impacts and mitigation measures proposed for noise and vibration, and settlement on the Winters House are outlined in Section 4.7, Noise and Vibration, Section 4.11, Geology, and Section 4.16, Historic and Archaeological Resources, and in Table D-1 in Appendix D of the Final EIS. As part of the Section 106 consultation FTA, Sound Transit, and the State Department of Archaeology and Historic Preservation met with Bellevue on August 18, 2011 to discuss City comments regarding the Winters House. The Section 106 MOA attached to this Record of Decision reflects input from the City and provides mitigation for short and long term impacts to the Winters House. The MOA includes a commitment that Sound Transit will conduct and assess vibration and ground borne noise within one year of operations. Regarding the concern about potential damage to the structure, Sound Transit is required to cover the costs of unforeseen damage that could occur at the Winters House.

Response to comment ELFEIS025-3

Please see response to comment ELFEIS025-2 above. In addition, the Section 106 MOA includes specific provisions related to assistance with temporary relocation of Eastside Heritage Center (EHC) as well as reimbursement for allowable moving expenses for EHC to move back into the Winters House. Additional details regarding temporary relocation of the EHC will be addressed during the final design and permitting stage of the project, consistent with Sound Transit's relocation process and assistance program and local, state, and federal guidelines as described in Sections 4.1.5 and 4.1.6 of the Final EIS.

Response to comment ELFEIS025-4

Section 774.3(2) states that "The alternative selected must include all possible planning, as defined in Section 774.17, to minimize harm to Section 4(f) property."

The definition of all possible planning from Section 774.17 states: *All possible planning means that all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects must be included in the project.*

(1) With regard to public parks, recreation areas, and wildlife and waterfowl refuges, the measures may include (but are not limited to): design modifications or design goals; replacement of land or facilities of comparable value and function; or monetary compensation to enhance the remaining property or to mitigate the adverse impacts of the project in other ways.

(2) With regard to historic sites, the measures normally serve to preserve the historic activities, features, or attributes of the site as agreed by the Administration and the official(s) with jurisdiction over the Section 4(f) resource in accordance with the consultation process under 36 CFR part 800.

FTA and Sound Transit have conducted extensive coordination with the City of Bellevue to address context-sensitive designs and all possible measures to minimize harm on the Winters House. This coordination is ongoing (see response to comments ELFEIS025-2 and 3). Based on the consultation, the Section 106 MOA includes the reasonable measures to mitigate potential project impacts to the Winters House. Please also see response to comment ELFEIS025-13 below.

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Transit are continuing discussion of a more context-sensitive design of the parking structure south of the house that will meet 4(f) requirements.

Mercer Slough Nature Park: Bellevue's concerns, described in more detail in Attachment A, relate to:

ELFEIS025-5 The property replacement commitment published in the FEIS refers to Section 6(f) requirements and conversion requirements of State RCO grants. However, much of the permanent and temporary use of the park falls outside of areas protected by these statutes and provisions. The FEIS is therefore silent on whether these areas will be replaced or otherwise mitigated. All areas within the park that are permanently used by the project must be replaced with land of "comparable value and function" per the 4(f) mitigation standard [§774.17, definition for *All Possible Planning*].

The noise impact analysis for Mercer Slough appears based on an unsupported noise sensitivity line 350 feet from the project limit rather than analyzing the noise sensitivity of specific activities, features and attributes of the park that lay closer to the project. For example, the FEIS finds segments of trails near Bellevue Way not noise sensitive, but segments of the same trail farther from Bellevue Way are noise sensitive. Mitigation for noise, including the periodic noise events of bells, wheel squeal and track cross-over should be mitigated to levels appropriate for noise-sensitive land and water trail users of the park regardless of the trails' proximity to the project

ELFEIS025-6

ELFEIS025-7 Sweylocken Boat Ramp access – as set forth in the FEIS, in at least one design alternative, access to the existing boat ramp becomes right in/right out only, resulting in users only being able to access the site from an off-ramp of I-90. Such degraded access is a significant impact and must be mitigated. This is not an issue if the project proceeds with the preferred alignment described by the Sound Transit Board on July 28, 2011.

Parking and access during construction will be challenging to park users. The FEIS took steps toward addressing this temporary condition. A more detailed plan for temporary parking and detour routes for impacted trails and sidewalks is necessary.

ELFEIS025-8

ELFEIS025-9 The Section 4(f) evaluation does not adequately address visual impact to and accessibility of the Overlake Blueberry Farm caused by certain alternatives. Current design plans show consolidated access points along Bellevue Way, with a new long road leading to the farm retail functions. Given the design of the preferred alternative at this location, Bellevue is concerned about visual impacts caused by the proximity of the elevated rail structure to the farm and trail head buildings as well as a perceived lack of access to those functions. Further, the loss of visibility of the farm from Bellevue Way will inhibit the viability of this location for farm-retail functions. Bellevue is currently exploring an alternative with Sound Transit for their preferred alternative that would fully address and mitigate these concerns.

ELFEIS025-10 Surrey Downs: Because of the ongoing discussions with Sound Transit impacting this portion of their preferred alternative in particular, Bellevue reserves the right to supplement comments regarding East Link's impacts on Surrey Downs. As described in the FEIS and detailed in Attachment A, Bellevue finds that the preferred alternative will not allow Bellevue to fully implement the adopted redevelopment plan for this park site. In addition, the calculated permanent use of the park is significantly understated and the proposed replacement property does not meet the 4(f) mitigation standard of "replacement land or facilities of comparable value and function" [§774.17, definition for *All Possible Planning*].

Response to comment ELFEIS025-5

Section 774.3(2) states that "The alternative selected must include all possible planning, as defined in Section 774.17, to minimize harm to Section 4(f) property." The definition (as referenced in comment ELFEIS025-4 above) provides a range of measures, including design measures or design goals and monetary compensation, rather than an absolute measure to replace property as suggested by the City of Bellevue's letter. One of the options may include replacement land or facilities of comparable value and function. While under Section 6(f), the mitigation must include replacement lands of comparable value and function. The Final EIS is clear about the mitigation measures in Table D-1, which includes mitigation for each impact on Mercer Slough Nature Park. Also, the replacement property mitigation measure includes both Section 6(f) lands as well as the RCO funded properties. Please also see response to comment ELFEIS025-13 below.

Response to comment ELFEIS025-6

As described in Section 4.7 of the Final EIS, the noise analysis follows the FTA manual for light rail systems, wherein the typical screening distance for impacts is 350 feet (per Table 4-1 in the FTA Transit Noise and Vibration Impact Assessment Manual, USDOT, 2006) because typically noise impacts from light rail operations do not extend beyond 350 feet from the tracks.

Whether a park or portions thereof is considered noise-sensitive is dependent on the typical use of the park. All parks along the proposed corridor, including Mercer Slough Nature Park, were reviewed for use, existing noise levels, and proximity to major noise sources, such as highways and major arterial roadways. Each of these was considered when evaluating the parks and making the determination of the noise sensitivity of the park. The light rail alignment will travel along Bellevue Way SE, along the west side of Mercer Slough Nature Park. The uses of the park along the west side include the boat launch, blueberry farm retail store, Winters House, and parking associated with these facilities and for park trails access. These active uses are not considered noise-

sensitive and quiet is not an essential element as outlined in the FTA criteria for park noise analysis. Mercer Slough Nature Park is also bordered on two sides by interstate highways—I-90 and I-405—and on the west side by the major arterial Bellevue Way SE, a park-and-ride, and a commercial office park.

The noise analysis considered noise measurements along Bellevue Way SE and analyzed four representative locations in Mercer Slough Nature Park. Noise measured along Bellevue Way ranges from 64 to 70 dBA Leq and the dominant source of noise is daytime traffic. Locations along the west side of the park currently experience noise levels between 56 to 61 dBA Leq. These locations are approximately 80 to 300 feet from the proposed light rail facility and project noise levels are predicted to be 3 to 6 dBA below existing noise levels. Trail heads near Bellevue Way would continue to have existing daytime traffic noise levels higher than the levels modeled for the light rail vehicle operations.

The central portions of Mercer Slough Nature Park contain uses that meet the criteria as noise-sensitive, such as wildlife viewing, where quiet is an essential element of the park's intended purpose. Existing noise levels in the noise-sensitive, central areas of the Mercer Slough Nature Park were measured at 50 to 58 dBA Leq during normal daytime hours. These representative locations range from approximately 700 to 1,200 feet from the proposed light rail facility. The FTA Category 3, which includes certain parks and recreational areas, was used to determine compliance with FTA noise impact criteria at the interior noise-sensitive parts of the park. Light rail noise levels are predicted to be approximately 5 to 18 dBA lower than the existing noise levels in the interior noise-sensitive areas of the park, and are approximately 14 to 23 dBA under the FTA noise impact criteria for a Category 3 land use.

Noise mitigation for bells, wheel squeal and track crossovers (see Record of Decision, Appendix C) will be required to meet FTA noise criteria for residences west of the park. Mitigation measures include, but are not limited to, Sound Transit's proposal of special track work to mitigate the one crossover in the area. There is no bell use in this area, except at the station, and the station is sufficiently far away from the Mercer Slough Park and shielded by the station and garage to avoid impacts to noise sensitive areas of the park. There are no curves that have a radius small enough in this area to likely result in wheel squeal.

Response to comment ELFEIS025-7

Bellevue's comment on the access into the Sweylocken Boat Ramp is noted. The Preferred Alternative does not have this impact as noted in the comment.

Response to comment ELFEIS025-8

Bellevue's concern about parking, trails and sidewalks during construction is noted. The Final EIS addresses mitigation for parking during construction in Section 4.17.4, table 4.17-8 as well as Table D-1 in the Section 4(f) Evaluation. The specifics of this mitigation will be developed during final design and coordination with Bellevue is ongoing to meet this objective.

Response to comment ELFEIS025-9

Please see Table 7-1, Chapter 7 of the Final EIS, response to Common Comment CC4.5c. The visual assessment follows the *FHWA Visual Impact Assessment for Highway Projects*. The change to the visual environment caused by the light rail guideway does not rise to the level of a constructive use and there is no adverse visual impact to the Blueberry farm caused by the light rail structure. Replacement access to the Blueberry farm will be provided. As discussed in Section 4.5, the visual environment along Bellevue Way would experience a change, but after mitigation, the visual quality would not be reduced. The current visibility of the Blueberry Farm business is primarily via signage and the Blueberry Farm retail building is currently only briefly visible to vehicular traffic on Bellevue Way SE as it passes the driveway. The existing sign or replacement signage for the Blueberry Farm would be provided once the retail business reopens after construction.

Response to comment ELFEIS025-10

Section 4.17 of the Final EIS discusses the potential project impacts to the future park plans for Surrey Downs Park and mitigation is provided accordingly including addressing the possibility that Bellevue may update the Surrey Downs Master Plan. The development of these mitigation measures would include ongoing coordination with the City. The area of the park impacted by the project is currently a landscaped strip along

112th Avenue SE and parking. The proposed replacement land north of the park would also be a landscaped strip along 112th Avenue SE. Replacement parking is not proposed because the affected parking is associated with the existing District Court, which is not a park use. Also, the current Master Plan for the park indicates a reduced amount of parking compared to today.

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LFEIS025-10

The addition in the FEIS of commitments to construct U-turn opportunities to mitigate for degraded right-in/right-out access addresses a significant concern of Bellevue for Surrey Downs. Bellevue also believes the mitigation offered for the anticipated temporary impacts to be sufficient. If the property replacement commitments were strengthened to the 4(f) standard, most of Bellevue's concerns would be addressed for this resource.

NE 2nd Pocket Parks: Bellevue believes the FEIS analysis of impacts and proposed mitigation sufficient for this resource.

LFEIS025-11

McCormick Park: Bellevue's letter conveying preliminary views of 4(f) impacts published in the DEIS adequately conveys Bellevue's ongoing concern about the insufficient property replacement proposed to mitigate impacts to McCormick Park. As these impacts are no longer part of the preferred alternative, no further comment is necessary.

The Least Overall Harm Analysis—Summary

Bellevue has significant concerns regarding the Least Overall Harm Analysis included in the FEIS. Bellevue believes that:

- The Least Overall Harm Analysis is not complete;
- It does not always respect the preservation purpose of the statute; and
- Sections of the analysis are conclusory with little or no factual or analytical support provided.

The Least Overall Harm Analysis is Incomplete

The Section 4(f) approval process states that in the absence of a feasible and prudent avoidance alternative, the "Administration may approve only the alternative that causes the least overall harm in light of the statute's preservation purpose" [§774.3(c)]. The comments on this regulation in the Final Rule issued March 12, 2008 and in guidance and handbooks published since codification appear to presume that the Least Overall Harm analysis would lead to the identification of a single "least harm" route alternative.

LFEIS025-12

The 4(f) analysis published with the East Link FEIS stops short of this by narrowing a field of 35 route combinations to eleven and concluding that these eleven "are equally the alternatives with the least harm." Beyond a logical conclusion that there *must* be substantive differences to be found among *eleven different route alternatives*, the lack of focus on a single least-harm alternative provides little ability for Bellevue or to the public as to review precisely how the preservation purpose of Section 4(f) would be satisfied by the East Link project.

Further, the lack of a single least-harm alternative, appears to interfere with completion of the second phase of the Least Harm Analysis, which is a description of how the "alternative selected must include all possible planning, as defined in §774.17, to minimize harm to Section 4(f) property" [§774.3(c)(2)]. (Emphasis supplied.) The Final Rule comment for this section states:

LFEIS025-13

The selection of *an alternative* pursuant to paragraph 774.3(c) is not in itself a Section 4(f) approval and does not complete the evaluation process. *After the alternative is selected*, the additional step of identifying, adopting and committing

Response to comment ELFEIS025-11

Your comments regarding the sufficiency of impact analysis and mitigation on NE 2nd Pocket Park and McCormick Park has been noted.

Response to comment ELFEIS025-12

The least harm analysis, as reflected in the comparison matrix, consisted of a vigorous comparison of the alternative alignments (within segments B and C). FTA considered the least harm analysis in this instance in the context of the purpose of Section 4(f) and as required under 23 CFR Section 774.3. (Please see FEIS, Appendix D, Section 4(f)/6(f) Evaluation.) The least harm analysis calls for qualitative and quantitative judgments and comparisons among unlike resources, resource attributes, and project impacts. FTA applied the analytic approach mandated by the statute and regulations to the project alternatives (made up of the composite segments). As a result of this thorough analysis under the factors required under Section 774.3 (see FEIS, Appendix D.7), it is FTA's judgment and determination that a number of alternatives (11 out of 35 Segment B-C combination alternatives that met the project purpose and need) were equal in causing the least overall harm. The large number of alternatives considered is consistent with the purposes of Section 4(f) which, among other things, requires the consideration of alternatives.

Response to comment ELFEIS025-13

The City is correct in its citation to the applicable regulations that require that FTA describe how the selected alternative includes "all possible planning" to minimize harm to protected Section 4(f) resources. FTA performed an exhaustive analysis of which alternative(s) cause the least overall harm. Further, FTA has analyzed and discussed in the FEIS and Section 4(f) Evaluation what measures can be taken to minimize whatever harm to protected resources would be caused by the 'least overall harm alternatives.' FTA has worked not only with the City of Bellevue but with the SHPO, the Department of Interior and the NEPA cooperating agencies to understand impacts and to engage in all possible

planning to minimize those impacts. FTA also took into consideration in this planning the comments that were offered by the public during the EIS process.

The Department of Interior has concurred that there is no feasible and prudent alternative, that FTA has satisfactorily completed the least overall harm analysis and that all reasonable measures have been identified to minimize or avoid harm to Section 4(f) property (See August 19, 1011 letter from DOI). Measures to minimize harm to protected resources are adopted and committed to by FTA through its Record of Decision and the mitigation commitments described in Appendix C to the Record of Decision. The final Section 4(f) determination is also included in this Record of Decision.

Specifically regarding Alternative B7 and the possible modifications to this alternative that have been studied by Bellevue, the least harm analysis considered combined alternatives that include the B7 alternative. The City's proposed modifications to Alternative C9T/B7 (referred to as B7R) have similar impacts on Section 4(f) resources as the C9T/B7 combined alternative. Information that was available to FTA and Sound Transit from the City indicated that the B7R modification would be a substantial increase in cost and therefore would not survive the least harm cost factor in comparison to the other alternatives. (See FEIS page 6-18, Table 6-6, showing estimated cost of, for example, Preferred Alternative B2M-C9T at \$480 to \$540 million and B7 at \$515 to 590 million and pages D-62 to D-64).

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to measures that will minimize the harm to the Section 4(f) property must be documented before Section 4(f) approval can be granted. (Emphasis supplied.)

It may be that Sound Transit and FTA propose to complete this mandatory step of the 4(f) process on the preferred alignment alternative (B2M-C9T) selected by the Sound Transit Board on July 28, 2011. It is unclear how and when this portion of the analysis will be performed, but Bellevue believes that its participation in identifying methods to avoid and minimize harm, and to confirm that "all possible planning" has occurred is critical. Bellevue looks forward to coordinating with Sound Transit and FTA on identifying "all possible planning" to avoid, minimize and mitigate impacts to parks resources before the Section 4(f) approval is granted.

If in fact the identification of multiple "least harm" alternatives is consistent with Section 4(f), then the analysis of how FTA/Sound Transit have incorporated all possible planning for each alternative will be a lengthy and complicated process. Bellevue stands ready to discuss in more detail the concerns included in Attachment A, which could form the basis of such a planning effort. In addition, if multiple least harm alternatives are identified in the final 4(f) analysis, Bellevue believes that alignment alternatives including B7 may be at least as protective of 4(f) resources as some of the combinations currently identified as "least harm." The City of Bellevue prepared its own study of potential modifications to B7 to improve this alignment; some features of the B7-revised alignment developed by the City may be worthy of further exploration for purposes of determining whether the revisions are material to a 4(f) analysis.

The Least Overall Harm Analysis Fails to Give Weight to the 4(f) Preservation Purpose

The guidance provided by FHA and FTA in the March 12, 2008 Final Rule repeatedly states that the balancing of the seven factors included in the Least Harm Analysis "must be done with a 'thumb on the scale' in favor of protecting Section 4(f) properties". This statement is entirely consistent with both the intent and requirements of the statute.

Bellevue is concerned that this weighing factor in favor of preservation may not have been adhered to in the analysis, because, among the eleven alignment combinations that are identified as having essentially equal "least harm," the impacts to protected resources are significantly different. For example, some of the eleven combinations completely avoid resources such as Surrey Downs Park or the F.W. Winters House, yet all are deemed equal in the final conclusion. If the resource protective factors are given the weight required by the Final Rule it is not clear how an alignment that *completely avoids impacts* to a resource could be *equal to one* that does not. At the very least, the analysis that leads to such a conclusion should be set out in detail.

There are also cases where route combinations (such as those associated with B7) present fewer impacts to the protected activities, features and attributes of 4(f) properties identified in factors (i) through (iv), but are deemed to have higher overall harm due to performance in the remaining factors (v) through (vii). Again, this determination is made without an analysis of how the remaining factors outweigh the greater 4(f) impacts that the proposed least harm routes present.

The Least Harm Analysis is in-part Based on Unsupported Conclusions

Of the first four factors of the Least Harm Analysis (those that support the preservation purpose of the statute), Bellevue disagrees with at least part of each conclusion reached.

Response to comment ELFEIS025-14

FTA carefully considered the seven regulatory factors under the Least Harm analysis (as required under 23 CFR Section 774.3) and how each of the alternatives performed under each factor in the analysis. Please refer to the complete least harm analysis (Section D.7 of the FEIS and Appendix D) to understand how FTA weighed each factor and each resource separately in light of the particular circumstances of this project.

Response to comment ELFEIS025-15

Bellevue's disagreement is noted. FTA does not agree with Bellevue's assertion that impacts were not disclosed and has not found significant new impacts identified in your comments that are not addressed in the Final EIS. Reasonable mitigation measures have been committed to in this Record of Decision to address project impacts. Also, as noted above, the DOI has found that the FEIS has identified all reasonable measures to minimize or avoid harm (e.g. environmental commitments) to Section 4(f) property (see August 19, 1011 letter from DOI).

The City of Bellevue raises the issue whether the Section 4(f) evaluation properly considered the core functions of the Mercer Slough Nature Park. The FEIS and the Section 4(f) evaluation relied on the City's own documentation in concluding Park use and intent of Park uses. (See also response 6, above.) The FEIS and Section 4(f) evaluation relied on the goals and objectives as stated in the City of Bellevue's Master Plan (City of Bellevue, 2010) and the Mercer Slough Open Space Master Plan EIS (City of Bellevue 1990), as quoted in section D.7.6.1 of the Section 4(f) analysis. Also provided in the evaluation is a summary concerning the degree to which park activities that support these goals are affected and/or avoided by the project. Finally, FTA does not dispute that park activities and features along the west side of Mercer Slough Park are valuable. The FEIS addressed impacts to all affected areas of the park and mitigation commitments made to minimize harm to the

resource. Finally, Sound Transit is continuing, through final design, to refine the details of mitigation measures for these park related impacts. See response to comments # ELFEIS025-4 and 13 regarding all possible planning.

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We discuss the reasons for our disagreement with the analysis of each factor below.

Factor 1: Ability of the Alternative to Mitigate Adverse Impacts to Each 4(f) Property

Factor 2: Relative Severity of Remaining Harm, after Mitigation

As more fully described in the previous section of this letter, Bellevue finds that the East Link FEIS did not disclose all impacts to 4(f) protected resources and in general terms minimized the impacts that were disclosed. This has led to insufficient mitigation proposals that result in remaining harm to the resources. By extension, Bellevue then does not agree with analysis presented for these two factors that some protected resources are left in an improved state by the various route alternatives.

LF EIS025-15

An example is the analytical treatment given to Mercer Slough Nature Park in Factor 1. After listing the activities and features of the park potentially impacted by the project, including Winters House, the blueberry farm, the trailheads, Swaylocken boat launch, and parking for these facilities, the FEIS states that "many of those facilities that would be most affected along the west side of Mercer Slough Nature Park are not core park functions." Bellevue disputes this conclusion and finds it inaccurate and contrary to our consistent feedback throughout the process. No communication from the City of Bellevue or adopted policy document supports the conclusion that the above listed activities and attributes of the park are less than core functions.

The same section concludes that "there is no unmitigated harm to park resources for any alternatives that affect Mercer Slough Nature Park." Bellevue does not agree with this conclusion nor similar conclusions drawn for Surrey Downs Park.

The full analysis required by 4(f) cannot be avoided by defining some activities and uses as being "core park functions" or "closely aligned with the goals and purposes of [the park]" and others as not. Bellevue's formally adopted policies for the use and development of these parks make no such distinction. Bellevue has jurisdiction over these parks and its determination as to which activities and uses are significant should be taken into account in the 4(f) analysis.

Bellevue believes that many of the route combinations *could* meet the intent of these two factors, mitigating adverse impacts and minimizing remaining harm to the resources. However, that can only be accomplished with an accurate accounting of potential impacts to protected resources, paired with appropriate mitigation—that is, *after* "all possible planning" to minimize harm has been done.

Factor 3: Relative Significance of Each Section 4(f) Property

Similar to Factors 1 and 2, the content of discussion in Factor 3 appears aimed at diminishing the significance of sections of Mercer Slough Nature Park and Surrey Downs Park.

LF EIS025-16

The conclusion that all uses of Mercer Slough Nature Park adjacent to Bellevue Way are "not as closely aligned with the principal goals and purposes of this resource and are therefore, not as significant" is inconsistent with Bellevue's planning documents and feedback to date. For Surrey Downs Park, the assertion that "approximately 4.9 acres of the 11.4-acre site are currently used as park" should not be the final analysis under 4(f), which requires consideration of both current and planned uses. In addition, this statement is internally inconsistent with the park impact analysis in the FEIS.

Response to comment ELFEIS025-16

Please see response to comment # ELFEIS025-15 regarding core functions of Mercer Slough Nature Park. Regarding Surrey Downs Park, Bellevue's Master Plan is both recognized and addressed. The statement that the current condition does not dedicate the entire site to park purposes (4.9 acres of the 11.4 acre site) does not mean that that analysis disregarded the entire park. The very next paragraph (Section D.7.6.2) discusses the Surrey Downs Master Plan. The analysis accounts for the full park area that would be affected and impacts to the Master Plan redevelopment of the park.

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LF EIS025-16 After acquiring Surrey Downs Park from King County in 2005, Bellevue has invested in a master plan to redevelop the park, funding for which was included in a 2008 park levy approved by Bellevue voters. This master plan and the activities therein include the entire footprint of the park and are part of a single planned action. Bellevue acknowledges that the current use of the building for the District Court is not protected under Section 4(f), however, all land within the park (both currently developed and to be developed as park) is highly significant and worthy of a full analysis under the protective rubric of Section 4(f).

Factor 4: View of the Official(s) with Jurisdiction of Each Section 4(f) Property

The analysis in this section concludes that the City of Bellevue "has indicated that other considerations... are generally more important to the City than avoiding impacts to these resources." Again, an analysis factor intended to support the preservation purpose of the statute is used to minimize and under-value the resources. How Bellevue ranks park and historic preservation among other kinds of impacts of concern to Bellevue and its citizens is not the intended focus of this factor.

This section of the least harm analysis is intended to describe the determination of the official with jurisdiction over each protected resource. The current analysis for this factor does not include the views of the City of Bellevue, which have been repeatedly stated both in writing and in oral communications with Sound Transit and the FTA. The analysis does not acknowledge or reflect the conclusions of consultation meetings between the City of Bellevue and Sound Transit regarding potential park impacts and proposed mitigation. Also not referenced in this section are official letters with specific and in some cases line-by-line comments on impacts to each protected resource. These include the following letters (identified by date):

- October 21, 2008 (This letter was provided at the invitation of Sound Transit to include Bellevue's preliminary views of all potential resources and impacts and was published in the DEIS. This letter is briefly referenced in the analysis for this factor to describe one impact to McCormick Park, but no other views of any other resource are included);
- February 29, 2009 (technical comments to the DEIS);
- January 10, 2011 (technical comments to the SDEIS); and
- May 23, 2011 (Section 106 comment letter specific to Winters House impacts).

Without reference to the views expressed in these letters and meetings, the representation of Bellevue's views of each protected resource is incomplete and potentially inaccurate.

The analysis for this factor concludes that, "the City [of Bellevue] appears to indicate that mitigation is appropriate for all of the potential impacts and that none of the potential impacts is so severe as to interfere with the fundamental goals and objectives for each Section 4(f) resources." This letter and Bellevue's prior record of comments referenced above demonstrate a significant misunderstanding of Bellevue's views.

LF EIS025-18 The analysis also fails to identify Washington State Parks as an Official with Jurisdiction over Mercer Slough Nature Park. Parts of this park are co-owned and are subject to an operating agreement between Bellevue and State Parks. These areas include parts of the park that could be impacted by Bellevue Way alternatives. Washington State Park's ownership status is known to Sound Transit and it is a significant procedural error to omit this stakeholder from the process.

Response to comment ELFEIS025-17

FTA acknowledges the additional correspondence listed in the comment and each of these letters is included in the FEIS documentation. The FEIS provides detailed responses to all comments submitted by the City in its letters on both the Draft EIS as well as the Supplemental DEIS. The May 23, 2011 letter is included in the *Appendix H4, Historic and Archaeological Resources Technical Report* and was used in consideration of the development of the Section 106 MOA which outlines the mitigation measures for the affected Section 4(f) historic properties. Table D-11 of the Section 4(f) Analysis in Appendix D also describes meetings between Sound Transit and the City to discuss park and recreational impacts and mitigation measures related to parks within the City of Bellevue. Through these processes, the information that Bellevue provided to either FTA or Sound Transit has been referenced and considered in the Section 4(f) analysis and the mitigation measures identified therein.

The least harm analysis is an evaluation that compares the 35 possible alternatives and determines which have the least harm overall. Generally speaking, the City's comments in the referenced letters and coordination express views regarding specific impacts and mitigation for the affected Section 4(f) resources and these views are considered primarily in the discussion for Factors 1 and 2. The discussion for Factor 4 (Section D.7.7.1 of the FEIS) focuses on the views of the City that provide a basis for judging the relative importance of the Section 4(f) resources in respect to the alternatives being compared.

Response to comment ELFEIS025-18

In Section D.8.3, Washington State Parks is referenced because they have an ownership interest in Mercer Slough Nature Park, thus requiring consultation. Both Sound Transit and the City of Bellevue coordinated with Washington State Parks during the development of the Final EIS. Washington State Parks referred inquiries regarding Mercer Slough Nature Park to the City of Bellevue.

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As previously expressed in this letter, Bellevue does not reject the possibility that potential impacts can be mitigated to a level acceptable to Bellevue. In fact and as stated above, Bellevue is hopeful that its ongoing negotiations with Sound Transit will reach such a result. However, those impacts must be accurately identified and "all possible planning" done to make sure that those impacts are fully mitigated and the requirements of 4(f) satisfied. Neither of these critical steps in the process has yet occurred with respect to Mercer Slough Nature Park, Surrey Downs Park or McCormick Park.

ELFEIS025-19

Bellevue appreciates the volume of work and analysis that has occurred to date in support of the East Link Project. Bellevue has a long history of participating fully in that process, and continues to express our commitment to partner with Sound Transit to make East Link a regional asset. We are confident that that same commitment will carry through to resolving our concerns about the 4(f) analysis outlined here in a manner that supports Sound Transit's overall goals for the project, Bellevue's responsibility to ensure that its parks are appropriately addressed, and FTA's obligations under Section 4(f).

Sincerely,
CITY OF BELLEVUE
LORI M. RIORDAN, CITY ATTORNEY


Mary Kate Berens
Deputy City Attorney

Enclosure

Cc: Bellevue City Council
Steve Sarkozy, Bellevue City Manager
Joni Earl, Executive Director, Sound Transit (via electronic mail only)
Perry Weinberg, Director, Sound Transit Office of Environmental Affairs and Sustainability (via electronic mail only)
James Irish, Deputy Director, Sound Transit Office of Environmental Affairs and Sustainability (via electronic mail only)
Steve Sheehy, Sound Transit Legal Counsel (via electronic mail only)
Lori Riordan, City Attorney (via electronic mail only)
Diane Carlson, Intergovernmental Affairs Manager (via electronic mail only)
John Witmer, Community Planner, FTA (via electronic mail only)

Response to comment ELFEIS025-19

Please see responses to ELFEIS025-1, ELFEIS025-4 and ELFEIS025-13 above.

Attachment A
Bellevue Comments on Park Impact Mitigation Proposals (Table D-1 or 4.17-8)

Ref	FEIS Statement	Comment
-20 Table D-1, page D-6	For Mercer Slough Nature Park (MSNP), mitigation for permanent replacement land is "land... consistent with the natural character of the park."	Bellevue continues to prefer use of the phrase: "provide replacement land of comparable value and function." This concept is used in the regulations for both Section 4(f) and Section 6(f) as a method to replace property converted from park to transportation use. ST used this phrase for King County Park replacement at Marymoor Park and would like the same phrase and replacement methodology used for all Bellevue parks used by the project. This should be applied to all areas of the park used by the project, not just those areas protected by Section 6(f) and State RCO grant conditions. Visual and potentially sound impacts of the elevated rail structure are not acknowledged at the blueberry farm site. Also, a more context sensitive design is needed for the retained fill parking pedestal at Winters House. Both of these impacts can be addressed by implementing Bellevue's mitigation design for Mercer Slough.
-21 Table D-1, page D-7	For permanent mitigation proposed for Surrey Downs Park, ST will provide: "replace impacted acreage with acquired properties north of the park" "design treatments of the retaining wall and fence along 112th" at the park. Provide u-turns to mitigate for right-in, right-out only access to the park. 0.5 acres of permanent impact and 0.5 acre of temporary impact is calculated for C9T	The remnant strip of land along 112th may not be suitable for public access. Bellevue prefers the phrase "replacement land of comparable value and function" as it is more consistent with the 4(f) regulation and more flexible. This is not park mitigation. The retaining wall will not be visible from the park, nor will the road built through the park (for C9T) that requires a retaining wall actually access the park. This may be general mitigation for the community, but is not park mitigation. This is a mitigation measure newly added for the FEIS. Bellevue has consistently disagreed that the 0.5 acre of temporary impact (island created by the new road through the park) can continue to function as viable recreation land. It is separated by the new road and separated by a grade change of up to 20 feet. The permanent impact should include this area and total 1.0 acre
-22 Table D-1, page D-8	NE 2nd Pocket Parks	Mitigation proposed is appropriate and acceptable.

Response to comment ELFEIS025-20

Please refer to response to comment # ELFEIS025-5 which clarifies the difference in requirements between Section 4(f) and Section 6(f) mitigation measures. Also, please refer to response to comment #ELFEIS025-9 for response to how the visual assessment was conducted and the results thereof. The Blueberry Farm and business is not considered a noise sensitive receiver per FTA criteria. FTA agrees that the 50-foot buffer around the Winters House should and will be respected to maintain the historical context to the extent that it exists. Please see the Section 106 MOA and response to comment # ELFEIS007-2, regarding Sound Transit's mitigation commitments.

Response to comment ELFEIS025-21

Please refer to response to comment # ELFEIS025-5 which clarifies the difference in requirements between Section 4(f) and Section 6(f) mitigation measures and ELFEIS025-10 regarding Surrey Downs Park replacement land. Since the lands removed from Surrey Downs Park (0.5 acres) are the landscaping, parking and access roadways along 112th Avenue SE, the land proposed to be acquired by the project north of the park (2.9 acres) will provide more than a comparable replacement in terms of value and function. Mitigation measures include coordinating the design of the retaining walls with the City since retaining walls are part of the Surrey Down Master Plan design along the pathways nearest 112th Avenue SE. The area of impact in Surrey Downs Park includes areas between the parking lot and 112th Avenue SE that are not actively used. This area does however provide the visual context of the park and would be considered park lands.

Response to comment ELFEIS025-22

Agreement with mitigation for NE 2nd Pocket Park has been noted.

Ref	FEIS Statement	Comment
-23 Table D-1, page D-9	McCormick Park	Bellevue has asked ST to be open to replacing land taken from McCormick park with land in another location (rather than their proposal to add land to the adversely impacted existing park). The Table D-1 mitigation language is not very clear, but the narrative portions of the FEIS show no indication of flexibility in this area.

Comments on Section 4(f) Narrative Sections of Appendix D

For reference, these comments are filed. The Under-reporting or minimizing impacts title points out areas of disagreement over level of potential impact by project alternative. The Consistency with of 4(f) title refers to areas where application of the 4(f) regulatory steps may be lacking in some manner.

Ref	FEIS Statement	Comment
-24 D-16	Third paragraph – "consolidating access points might be considered a benefit to the park..."	Under-reporting or minimizing impacts. Bellevue does not support this conclusion
-25 D-16	Fourth paragraph – "I-90 trail and other MSNP trails would not be affected."	Under-reporting or minimizing impacts. There are significant temporary impacts cause by construction and long-term closure of many of the facilities that serve these trails, including parking, restrooms and trailheads. There are also permanent impacts (disputed) to trails north, east and south of the park and ride caused by visual and noise intrusions of the elevated rail and parking structure.
-25 D-16	Fifth paragraph – noise	Under-reporting or minimizing impacts. ST makes a distinction between "active recreation uses" that are not noise sensitive and "passive recreation uses" that are noise sensitive. For MSNP, they make a broad conclusion that the park's "interior" is passive, therefore noise sensitive, but located too far away from the facility to be impacted. No line between what is interior or exterior is provided. When walking a trail, when does one go from noise sensitive to not noise sensitive?
-27 D-16	"The project would not be seen in most parts of Mercer Slough Nature Park..."	Under-reporting or minimizing impacts. All park users will have to cross over or under the rail facility to access the loop trails, boat launch, Winters House, blueberry farm and farm stand.

Response to comment ELFEIS025-23

The narrative text in the FEIS supporting Table D-1 indicates that the proposed replacement land is the land acquired adjacent to the park for construction staging and this is Sound Transit’s proposed mitigation. However, McCormick Park is not impacted by the project alternative.

Response to comment ELFEIS025-24

Lack of support for the term “might be considered a benefit” has been noted.

Response to comment ELFEIS025-25

These impacts are not considered long-term closure because trails will be detoured (and trailhead signage will be adjusted appropriately) and thus can continue to be used for the intended purpose, accommodations for parking are anticipated, and restrooms are provided in other locations in the park. Regarding noise effects, please refer to response # ELFEIS025-6. The visual assessment determined that where there are views of the proposed project, there are already views of the South Bellevue Park and Ride, I-90 and associated ramps or Bellevue Way SE. The project is visually consistent with these infrastructure elements.

Response to comment ELFEIS025-26

Please refer to response for comment #ELFEIS025-6 regarding the extent that Bellevue Way SE traffic is an ongoing noise factor and that the addition of light rail transit would be lower than the traffic noise by a predicted 3 dBA. Therefore the additional noise would not increase noise levels and would not interfere with the use and enjoyment of the trail.

Response to comment ELFEIS025-27

The noted sentence refers to the fact that this park is 350-acres and only the users along Bellevue Way SE would see the light rail guideway, so views of the guideway would not be seen from most parts of the park. Users along the western edge of the park who would see the guideway would be the same users that already have views of Bellevue Way and

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I-90. Views of the guideway would be consistent with the views already experienced with the presence of I-90 and Bellevue Way SE. Please see Section 4.5 page 4.5-14 through 15 and Appendix F4.5, which contains the visual simulations along Bellevue Way SE.

15-28	D-16 Eighth paragraph – construction impacts.	Under-reporting or minimizing impacts. While it likely resides in some other volume of the FEIS, the 4(f) Analysis makes no mention of the 3-5 year temporary closure period for Winters House, the Blueberry Farm and Bellevue Way parking and trailhead facilities.
15-29	D-18 "Constructing Preferred Alternative B2M" would not substantially affect park use or diminish its value."	Under-reporting or minimizing impacts. Consistency with Section 4(f). Perhaps this is leftover text from the SDEIS when ST was attempting to classify B2M and MSNP as a de minimis use. In the FEIS, B2M (and all other alternatives) are defined as a 4(f) use, which means that they do affect the park use. On a temporary basis, even with the mitigation proposed, the park use is substantially affected by being closed to the public for 3-5 years.
15-29	D-16 "This portion of the park, the I-90 trail... would likely be intermittently closed to public access during construction of B7."	Consistency with Section 4(f). The I-90 Trail is rightly not listed as a 4(f) resource as it is technically transportation and not a recreation facility. However, it is only exempt from 4(f) as long as the trail is not interrupted. If the trail is interrupted, it would become 4(f) protected. In any regard, detours should be offered by ST, rather than straight closures. This is particularly important for the I-90 Trail as detours around the section they refer are highly problematic.
15-30	D-20 Winters House	Under-reporting or minimizing impacts. The National Register Nomination form acknowledges that the overall 14 acre parcel, which by default would have been included with the historic designation, no longer retains historic integrity. The 50 foot area around the house is not intended to preserve historic landscaping, but to provide a minimal area of protection around the house to retain what little is left of the residential setting. As such, the boundary should be respected regardless of the historic accuracy of the landscaping. ST has determined that the only adverse affect of the project to the Winters House is temporary during construction. Several monitoring measures are proposed to minimize construction related impacts. No long-term impacts are proposed and no mitigation is offered to monitor the house for long-term or unforeseen impacts caused by the proximity of the rail to the house.
15-31	D-23 "As a result of these measures, the potential impacts to the Winters House are mitigated, while also benefiting the resource."	Under-reporting or minimizing impacts. Bellevue cannot agree that Winters House benefits under all route alternatives without additional consideration of impacts and mitigation as described in previous communications from Bellevue.

Response to comment ELFEIS025-28

Please refer to the first paragraph of Section D.7.4.1, which summarizes the effects discussion from Section 4.17 of the Final EIS.

Response to comment ELFEIS025-29

The I-90 trail referenced is not considered a Section 4(f) resource.

Response to comment ELFEIS025-30

FTA agrees that the 50-foot buffer around the house should and will be respected to maintain the historical context to the extent that it exists. Please see the Section 106 MOA and response to comment # ELFEIS007-2, regarding Sound Transit's mitigation commitments.

Response to comment ELFEIS025-31

Bellevue's opinion on the determination of benefits to the Winters House is noted. The preferred alternative would provide long-term benefits by adding interpretive signage at the house and improving the historic character of the landscaping within the 50-foot boundary.

-32-	D-25 Surrey Downs under C9T: "This [impacted] area of the park is characterized by steep slope and trees... a vehicle entrance and parking lots..." <then later in the same paragraph> "The new linear park would replace the impacted area in Surrey Downs Park, which is primarily passive open space."	Under-reporting or minimizing impacts. The impacted area to which they refer is primarily parking and vehicle access, not open space. So, the replacement of park and court parking with a landscaped ribbon of land with no public access is not like for like. No discussion is made of how or where new parking would be located to make up for the loss of spaces removed by the project.
-33-	D-38 Under section D.5.2: "Through consultation with local jurisdictions and interested parties, minimization and mitigation measures have been developed and incorporated into the project, which resolve the impacts [to Winters House]."	Under-reporting or minimizing impacts. The implication that the City of Bellevue or other groups like Eastside Heritage Center or Washington Trust for Historic Preservation agree with this statement is not accurate.
-34-	D-42 "For most Sag. B alternatives along Bellevue Way in the EIS, the affected park area consists largely of open grass, paved sidewalks and paths with some natural vegetation."	Under-reporting or minimizing impacts. This is not a complete or accurate description.

Response to comment ELFEIS025-32

Please refer to response to comment # ELFEIS025-10. Under Alternative C9T, parking access will be maintained to the southern portion of the parking lot. However, there would be fewer parking places due to the removal of the parking area to the north. According to discussions with the City, these parking stalls are used for the Court Building, not park users and removal of these spaces would not affect the park.

Response to comment ELFEIS025-33

The claim that consultation results in agreement is not intended or implied. This reference is intended to make clear that FTA considered the views and needs of resource managers through listening to the issues and hearing input before mitigation measures were developed. That the impacts have been resolved is in reference to the Section 106 process and MOA for the Winters House.

Response to comment ELFEIS025-34

The City's opinion on the affected area of the park along Bellevue Way is noted, but no additional clarification is needed. The referenced statement is based on the fact that Alternatives B1, B2E and B2A all affect only that part of Mercer Slough Nature Park adjacent to the South Bellevue Park and Ride, which is characterized by open grass, sidewalks and some natural areas. It is acknowledged that areas of the park affected by Alternative B2M have different characteristics.